



Safeguard Policies Review and Update:

Consultation Phase 1

Feedback Summary

Meetings, Expert Focus Groups, Paper Submissions, Consultations with Project-Affected Communities, and Dialogue with Indigenous Peoples

March 2014

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Safeguard Policies Review and Update: Feedback Summary

CONSULTATIONS PHASE 1 – Oct 2012 - March 2014

OVERVIEW

From October 2012 through March 2014, the World Bank conducted a global consultation process on the approach to review and update its environmental and social safeguards policies. The three-phased approach to the review, described in [The World Bank's Safeguard Policies: Proposed Review and Update](#), was endorsed by the Committee on Development Effectiveness of the World Bank's Board of Executive Directors on October 10, 2012.

This is a summary of the feedback received from 1,800 stakeholders worldwide who expressed their views in country and focus groups meetings and online, and from seventy nine position papers submitted by 1,250 signatory organizations. A summary of feedback and key messages from consultations with Project-Affected Communities (May - December 2013) and a global dialogue with Indigenous Peoples (October 2013 - March 2014) are also included in this summary.

The Bank review team is planning to share the first draft of a policy framework to the Board Committee on Development Effectiveness (CODE) in July 2014 for its consideration. An annex summarizing comments received and responses will be provided in a matrix format as an element of the CODE package.

Following the endorsement by the Committee, Phase 2 of the review will commence, which will include a second round of stakeholder consultations.

All information about the review and the consultative process is available on the safeguards review [website](#).

THE PROCESS

Each of the three phases of the review includes a global consultation process to elicit input and feedback from interested stakeholders. In this phase 1 of the consultations, input and feedback were sought through a combination of country based face-to-face meetings, an online platform, focus groups with a sample of project-affected communities, a global [dialogue series on the emerging areas with external experts](#), and a [global dialogue with Indigenous Peoples](#). Stakeholders had also the opportunity to submit formal written comments to a dedicated e-mail account, or through the questionnaire, as well as submit papers, and case studies.

A [website](#) supported the consultation process. It contains an overall [consultation plan](#), background materials, a schedule of consultation meetings, all summaries from meetings and online questionnaire. An [Approach Paper](#) and a PowerPoint presentation on Key Concepts and Principles, was made available as a basis for the discussion. The website is available in English, French, Spanish, Arabic, Russian, and Chinese.

On July 23, 2013 the team presented a [status report](#) at a technical briefing of the Board of Executive Directors and shared a snapshot of the feedback from consultation and evolving ideas concerning the development of a proposed policy framework. On October 12, 2013 a [status report](#) was shared with interested stakeholders and broadcast live. A recording of this status report meeting is available on the [website](#).

To help shape the Bank's thinking on the next generation of policies, input from a variety of shareholders and stakeholders was solicited on key topics that the Bank should consider in the course of the review. Areas for discussion included the following:

- aspects of the environmental and social safeguards policies that the Bank can improve to ensure that these policies continue to be an effective and efficient tool to achieve sustainable development and results on the ground;
- issues and challenges encountered during the application of safeguard policies;
- core principles that can promote sustainable development and that the Bank should consider, beyond those already reflected in Bank current safeguard policies;

- examples of environmental and social sustainability frameworks that the Bank should consider in the course of the review;
- additional factors the Bank should consider beyond the internal and external drivers described in the paper;
- recommendations with respect of any of the emerging areas described in the paper (i.e., disabilities; labor and occupational health and safety; human rights, land tenure and natural resources; free, prior and informed consent of Indigenous Peoples; gender; and climate change);
- aspects of the 2010 IEG study on the safeguard policies and the accompanying recommendations that are particularly important for the review and update process;
- how the Bank can better support borrowers in their efforts to strengthen their systems and institutions with respect to environmental and social safeguards practices to yield more sustainable results on the ground.

KEY MESSAGES

The majority of stakeholders' input focused on recommendations, in particular recommendations regarding specific policies, with a strong emphasis on Involuntary Resettlement, Environmental Assessment, and Indigenous Peoples and recommendations on how to modernize the safeguard policies, including suggestions on emerging areas. The comments received all reflected stakeholders' conviction that the policies contribute to improvements in sustainable development. They also brought to the fore the following key messages:

- Policies represent good standards, but are **unclear and hard** to implement and often not aligned with national context, laws and development.
- Rights of impacted people identified as major issue, human rights, and rights of vulnerable/marginalized groups, and Indigenous Peoples
- Apply safeguards across range of financing products
- Focus on implementation and supervision on the ground and national context and strengthen policies to ensure governments are accountable. Clear, effective, user-friendly, operational guidelines are needed.
- Strengthen impact assessments, better methodologies, involve communities in assessment, harmonize assessment systems across donors and clients; assess impacts beyond social and environmental aspects. Strengthen assessment of social impacts, and include climate change; provide for community participation in impact assessment
- Focus on projects, differentiated use of borrowers' institutions, standards, and practices according to country capacity and existing standards
- Better involvement of vulnerable and minority groups and communities throughout the project cycle.
- Better involvement of Indigenous Peoples in project planning and more awareness of and attention to Indigenous Peoples' rights, especially regarding land tenure.
- Coordinate policies within Bank, among partners and with national and international standards
- Strengthen capacity building and support to national institutions
- Welcome consideration of all emerging areas in the review, plus children's rights and animal welfare and other rights. Consider with an eye to national contexts and countries' development trajectory.
- Need to strengthen meaningful consultation with vulnerable groups, project-affected communities, and Indigenous Peoples
- Emphasis on the need for strong and consistent risk assessment and risk management

The summary below presents a synthesis of all the feedback received—online and in face-to-face meetings—from stakeholders during the consultations. While the summary cannot fully capture the richness of the discussions, the papers submitted, or the range and details of issues that were raised, it reflects the key aspirations, concerns and recommendations of participants with regard to the questions guiding the review of the environmental and social safeguards in Phase 1.

Safeguard Policies Review and Update: All Stakeholder Feedback
CONSULTATIONS PHASE 1 – Oct 2012 - May 2013
(face-to-face meetings, expert focus groups, online feedback)

What works well with the current safeguards policies	
Best practice and development impact	<p>The safeguards policies are seen as best practice internationally. They carry a special value because they have helped to raise standards for the protection of the environment and the enhancement of the living conditions of people.</p> <p>These policies promote more responsible lending and sustainable outcomes, they have helped improve targeting of the poor in poverty alleviation, and promote socially and environmental friendly development. The policies of the Bank and International Finance Corporation (IFC) have been broadly replicated by multilateral development banks, by the Export Credit Agencies, by the private sector and in the Equator Principles Banks. The Bank remains the primary agency in terms of ideas in this regard; it has done a great service to the world at large, and strengthening the Bank's policies will lead to a cascade of replications.</p> <p>There are certain benchmarks within the existing safeguard policies that are very clear and work well. For example, affected communities can tell whether there is policy compliance, what the requirements are for consultation, and for land-for-land compensation. In addition, the current policies have detailed and stringent requirements, which help with monitoring implementation, addressing issues as they arise and, in certain instances, have helped deter corruption.</p>
	<p>Safeguard policies should remain a priority in spite of the costs associated with their application, because the very fact that they are being implemented is a form of transferring best practice. In addition, such policies have an intrinsic value by contributing to multiplying relevant effects where strengthening administrative and institutional capacity is concerned. It would be advisable that the Bank prepares technical guides that allow for more consistent practices.</p>
Set international/national standards	<p>Safeguard policies have been successful at setting the international standard for environmental and social policies, and the World Bank has been a global standard setter and a benchmark for other multilateral organizations. The Bank is encouraged to reach out to and coordinate with its peers in order to avoid major discrepancies between their safeguard policies.</p>
	<p>The safeguards are seen as best practice internationally. The Bank policies safeguard people and the environment from possible harm. They carry a special value because they have helped to raise standards and expectations globally for the protection of people and the environment.</p>
	<p>The safeguards policies so far have served the Bank and the international community well – they have set the standard for the development community at large. In particular, the environmental assessment and involuntary resettlement policies have been helpful and they are applied in private sector operations.</p>
Development Impact	<p>The correct application of the safeguard policies has led to effective communication with and participation of the communities in which investment projects have been developed. Applying social and environmental safeguard policies has contributed to identifying the needs of the population and has opened up the opportunity to develop a response that adequately meets those</p>

	<p>needs.</p> <p>The implementation of infrastructure projects has also shown that the guiding principles of the safeguard policies are suitable and effective in practice. For example, where roads have been built, the population was made aware, and representatives of communities have participated in developing action plans for resettlement. The correct application of the safeguard policies has often been made possible by the legal framework in countries, which facilitates the involvement of the communities, the partnership with the local public authorities, and the necessary legal approval of the local or district authorities.</p> <p>Bank and other international financial organizations' safeguard policies have helped change the idea of development. Without safeguard policies, any relevant sector may not have required environmental and social safeguard measures as part of the project approval procedure. The Bank safeguard policies and practices have helped domestic counterparts to make changes that they would not be able to make due to lack of intention or capacity.</p> <p>Bank safeguard policies are important and necessary in terms of pushing forward and optimizing project preparation, managing project implementation risks and meeting project objectives.</p>
Impact on national systems and institutions	<p>When the requirements of the Bank safeguard policies and the national legal framework of a country are harmonized from the project preparation stage, they work very well. For example, in the projects of the Romanian Ministry for the Environment and Climate Change, the Bank requirements were successfully harmonized with the applicable Romanian legal framework for the "Romanian Waters" National Administration and the National Agency for Environmental Protection, respectively, in 34 counties and 86 local councils.</p>
	<p>The safeguard policies provide government agencies with parameters (or standards) and require these agencies to implement higher standards on mitigating measures compared to other non-Bank funded projects. Project-affected people get superior benefits out of the projects due to these safeguards. The protocol on Indigenous Peoples works well; the level of consultations as well as the level of planning is quite good. Indigenous Peoples have ample protection from the impact of projects due to the relevant safeguard policy.</p>
	<p>The World Bank's environmental safeguards are important to ensure environmental mitigation of potential negative impacts on projects. Planning of environmental issues at the initial stage of the project is key to ensuring proper implementation of the projects. The content of the policies of social and environmental safeguards of the World Bank is important not only for World Bank projects, but also for all government programs.</p>
	<p>Bank and other international financial organizations' safeguard policies have helped change the development pattern and how to do development. Without safeguard policies, any relevant sector may not have required environmental and social safeguard documents as part of the project approval procedure. For example, environmental screening, project categorization, alternative analyses are very useful and should be promoted. The Bank safeguard policies and practices have influenced countries policies and helped domestic counterparts to make changes that they would not be able to make due to lack of intention or capacity.</p>
Consultation and Participation	<p>The World Bank social safeguards have been key to ensure that projects are inclusive and participatory and these have great potential to benefit the population. They brought changes to the mindset of project implementation staff in some countries especially in terms of public consultation and participation.</p> <p>For example, the strengths of the existing involuntary resettlement policy include the provision requiring consultation and the</p>

	provision of alternative resettlement options for affected families. There is also a provision in the existing policy that concerns provision of security for people who are going to be impacted by the project, even if their own governments do not recognize the land rights.
Challenges for applying current safeguards policies	
Implementation: Burden of documentation and requirements	<p>The policies are complex, convoluted and hard to implement. There are overlaps among policies (for example the environmental assessment and pest management) contributing to the complexity and bureaucracy of the process. Moving forward, the policy framework should be reviewed, structured and integrated, taking into account also emerging issues.</p> <p>Because of the complexity, project delays and mistakes occur and it takes two years to fulfill requirements. This is also because the policies are not aligned with the laws in the country. In fact, there are instances where the Bank and the country have their own sets of social and environmental policies and procedures, causing each project to go through two review processes in parallel, resulting in long preparation time and low efficiency.</p> <p>The general perception is indeed that delays occur as a result of safeguards that demand a whole lot of documentation and requirements. This documentation is needed even for a small project and even for projects with no risk. As country laws evolve, this problem will become more acute, thus it needs to be addressed during the review.</p> <p>The procedures required to implement safeguard policies are even more complex and unclear leading often to a duplication of effort especially in the areas of preparation of socio-environmental studies.</p> <p>There is lack of clarity and detail in relation to the consideration of social issues, some of which are disability, gender, and tenure. External environmental consultants firms are needed to do assessments but they set impractical and unnecessary standards.</p>
	<p>Some examples of excessive burden on documentation and requirements are:</p> <ul style="list-style-type: none"> -The Bank requires a very detailed survey of resettlement impacts at project preparation stage. However, at this stage it is difficult to do so because: 1) technical design may not be detailed enough; 2) there is a lack of legal basis as land-take approval document is not available; government land-take and resettlement notice is not published; and 3) often people are not cooperative in the survey. As a result these aspects affect the quality and applicability of the Resettlement Action Plan (RAP). -For large- and medium-scale water resource and hydropower projects, certain countries require resettlement action plans as the Bank does causing additional costs on the project owners. -A related issue is the implementation of the livelihood restoration program; when it comes to implementation stage, impacted people may have different expectations or plans for their livelihood, which makes it difficult to implement originally planned livelihood restoration program. -Another example is the preparation of the environmental assessment. To meet both domestic and Bank requirements, project owners sometimes have to prepare two sets of Environmental Assessment documents that are sometimes repetitive and costly.

	<p>- The requirement to prepare Environmental Management Plans (EMP) even for rehabilitation works with positive environmental impacts or with minimal negative environmental impact prolongs the implementation process of projects.</p> <p>-From the perspective of public agencies, waiting for the detailed review and no objection of the Bank for all projects leads to loss of time and effort.</p>
Implementation efficiency: cost, required resources and capacity	<p>Agencies find it difficult in the preparatory stage to mobilize the resources needed to fund all of the necessary requirements, including those for safeguards. The situation is further complicated when provinces, in order to participate in a given project, are required to carry out studies (in which case, the responsibility for funding project preparation is transferred to them). There should be operators responsible for developing baseline studies, and this should be provided for in the safeguards. The implementation of social and environmental safeguard policies is made difficult by the lack of government funding in certain countries (both the state and the local budget).</p> <p>The main outstanding challenge is raising awareness regarding the need to include in the project budgets the amount necessary for the application of social and environmental safeguard policies. Where budgets are limited, contractors are at a loss for determining the exact amount that should be allocated for the actual works and the amount that should be allocated for environmental protection measures and activities. On the other hand, construction contractors that participate in public acquisition procedures keep a tight eye on their budgets so that they remain competitive.</p>
	<p>With regard to safeguards, an approach which focuses more on the maximization of benefits than on impact mitigation can involve considerable expenditure. This type of approach (which is the one followed in the current Indigenous Peoples policy), has meant that the projected cost of the project, including improvements, exceeds the Bank's requirements for an economic assessment of the project (rate of return).</p>
	<p>Long project cycle, hidden costs and changes. The Bank project preparation cycle is often very long; resource inputs and hidden costs to meet safeguard requirements are very significant, which to some extent contribute to the prolonged project preparation. In return, there are cases where, due to long project preparation, detailed surveys made at an early stage become outdated.</p> <p>In underdeveloped areas implementation and financial capacity are weak. In some cases, Bank projects require compensation standards that are different from other domestic-financed projects in the same area. This has resulted in conflicts. Also in underdeveloped areas, the shortage of safeguard professionals and financial resources are main constraints for the project owners to prepare and implement projects.</p>
<i>Conflicting feedback from Bank staff</i>	<p>Different specialists in different areas have given different feedback on the same case at different times.</p> <p>When Bank specialists implementing safeguard policies are replaced, the format of reporting changes and it is difficult to adapt. Sufficient standardization must be ensured in Bank procedures. Having to repeat the same work due to differing interpretation of specialists leads to loss of time.</p>
<i>Confusion from linked/ overlapping projects</i>	<p>Government projects that have already started under national regulations get delayed when the WB funds a linked project, because of the time required to obtain approvals from the World Bank.</p>
<i>The influence of the</i>	<p>The influence of the Bank in some countries is gradually declining because: (i) countries have gradually caught up with the Bank</p>

<i>Bank in some countries is gradually declining</i>	in terms of safeguard requirements; (ii) the current approach requesting detailed information and long project preparation time does not work well, and receives a lot of complaints from clients; and (iii) a lot of resources have been used to prepare paper work, not to achieve real impacts on the ground. Local officials are also required to follow local law, and this is often inconsistent with resettlement requirements.
<i>Lengthy processes</i>	In a developing country context, the urban sector has a huge infrastructure deficit, given that the urban population is expected to double. To meet this deficit, a number of projects are required and these should be speedily undertaken. Any policies that constrain the efficiency of implementation have major negative impacts. The Bank's processes are extremely lengthy. It takes two or three years to formulate a project. In particular the process from approvals to mitigation plans prepared in compliance with safeguard policies is unduly long.
Implementation capacity	<p>The greatest challenge faced by governments is in implementing the policies. In going forward with the review, the Bank should address policy 'implementability'. Strong implementation mechanisms are required. Strengthening local capacity is a major need. Mechanisms to monitor the governance of loans should also be instituted.</p> <p>There is also lack of government and technical capacity, monitoring and evaluation, and implementation support. Counterpart agencies do not have needed capacity/desire/incentive to implement effectively and Bank is not doing adequate due diligence. Weak environment and social regulation at country level and local level. Some poor areas lack capacity to fully implement safeguard action plans. Also in underdeveloped areas, the shortage of safeguard professionals and financial resources are main constraints for the project owners to prepare and implement projects.</p> <p>The Bank needs to validate government documents to ensure that proper procedure and process are followed by, for example, the Environmental Impact Assessment (EIA). In many cases, country governments and counterpart agencies lack capacity, monitoring systems and evaluation systems. In the case of EIAs, required verification missions and public consultations may not have been undertaken or audited by government agencies. To what extent does the Bank have a generic independent assessment as a second level of control and how much trust does the Bank put in governments' own documentation? The importance of the rigor in the preventive measures in the Bank's safeguards is particularly evident since the material (on past complaints) presented by the Bank shows that when a complaint is subsequently brought forward then the likely outcome will be a negotiated compensation rather than rectifying the damage through rejecting a project or backtracking it.</p>
	There is a pressing need for awareness raising and building the capacity of national authorities on the importance of safeguards and what is required by the policies, in particular OP 4.12. Certain requirements under the safeguards generate little interest and are taken lightly, particularly if they are not consistent with national laws (for example, it may not be clear why the interests of illegal street vendors should be taken into account, although under OP 4.12, any groups whose income and livelihoods will be impacted by a project must be addressed).
Unclear implementation guidance and definitions	Safeguards must make a clear distinction between principles and procedures, and must also clearly indicate how these are applied in project preparation. At present, principles and procedures are prescriptive, like imposed rules (which goes against the very spirit of Safeguards), while at the same time they are open to interpretation by the specialist implementing them, or by the Bank Task Team Leader directing the project. Policies must have a stronger scientific basis and clear procedures and not be open to subjective interpretation. Procedures for the application of safeguards should take account of the differences between the various types of projects (infrastructure, policy generation, etc.). Furthermore, a distinction should be made between policies

	and good practices. Safeguards requirements need to be clear to project owners. Boundary of safeguard policy application is not clear. For example, a project owner used a piece of land purchased through auction. The project owner is not sure whether the prior-auction resettlement is subject to Bank safeguard policy. Another relevant concern is that, if previous land owners get to know the land will be used for a Bank financed project, they might see it as an opportunity and ask for more compensation.
	Need to clarify the confusion found in Annex C of OP 4.01, between environmental surveillance, monitoring and control of the implementation of environmental measures to prevent practitioners do misinterpretations
	Definition of stakeholders. The term stakeholder has wide meanings and the explanations of the term have caused confusion and misunderstanding in many projects.
Implementation effectiveness	Many of the problems with safeguard policy implementation are due to a deficit in governance and enforcement at times both from government and Bank. There have been cases where social and environmental issues have not been reported correctly in order to move a project forward. In Bank supervision, the task team leader leaves the safeguards to the safeguard officer. This results in ineffective institutionalization of Bank safeguards.
	Implementation of the EMP is the big challenge. A penalty clause is being introduced but the borrower/client should have the commitment to implement the EMP from the outset.
Rigidity and inflexibility	The Bank's policies are very rigid and unsuited to certain projects, particularly national ones that are not confined to a specific land area. For example, current instruments, particularly the Indigenous Peoples policy, relate to projects that are territorially focused, which is not necessarily the case in many projects under current public policy, such as non-infrastructure related projects that support national programs. Instruments and protocols to improve ways of working need to be reviewed.
<i>Rigidity and inflexibility with regard to national context/legislation</i>	There is concern over discrepancies between the procedures of the Bank and national legislation in the area of land/home procurement, resettlement, compensation rates, additional payments, transportation costs and deadlines for compensation payments. Differences in compensation standards and local budget requirements create barriers to compliance with Bank policies. Land acquisition must be done early in order to maintain schedules, but if it is done prior to the Bank project becoming effective (i.e., before the Loan Agreement), it must follow Kazakh laws (in absence of a signed Bank Legal Agreement with other requirements). Then, for Bank approval, it must take retroactive measures, often including incremental payments. A mechanism is needed that authorizes Bank requirements to be followed before the specific Legal Agreement is signed
<i>With regard to project implementation</i>	The front loading on policy is excellent but the WB is not very flexible in implementation, especially when there are situational changes between design and implementation leading to new associated risks and costs.
	The land acquisition (LA) cycle and the technical project preparation (DPR) cycle need to be better correlated in Bank projects. This is not often the case and the design consultants are often not around when the LA process is completed (sometimes it takes 3 years). This makes design corrections difficult. Explicit preference should be given to the negotiated process in the LA Act in order to ensure that the LA cycle moves in tandem with the technical DPR cycle.
Applicability issues	For the Bank's principles to be effective they need to be practicable; however they are not widely applicable at present. The

of policies in national and project context	Bank should consider a different safeguard system that takes into account what happens locally. It is important to consider the enabling environment for citizens to operate – this must be the primary condition on which the Bank does lending. For example in regional projects in border areas different laws must be taken into consideration and the current policies don't seem to cater for this flexibility and adaptation. Safeguards don't take local context into account when prescribing recommendations. They are hard-to-apply and are a deterrent.
	Many infrastructure projects are being done in a private-public partnership mode (PPP). In this context, it is difficult to apply the Bank's procurement requirements and environmental /social safeguards as these requirements are not being addressed by the concessionaires. From a developer's perspective, in a PPP context, the concessionaire is working within the laws of the land. If concessionaires are required to do something beyond this, they will likely review their funding options. Also, most PPP infrastructure projects involve a consortium of financial institutions. Their terms of tenure and collateral are the same. Incentives from one of these financial institutions may not be enough to ensure that the concessionaire will implement the requirements.
	Contradictions with government policies. For an education project, for example, the Bank required that schools be built in remote areas to provide access to ethnic minority children, despite the constraints to provide adequate teachers and teaching resources to such remote schools. In addition, the government has adopted policies to combine schools in rural areas and consolidate teaching resources to provide better teaching quality. This Bank requirement thus is contradictory to the government policy.
Policy Gaps	There are some important gaps in the safeguards policies, including the absence of labor standards, gaps in human rights (safeguards do not comply with international human rights law), addressing the global commons, particularly oceans (they are still just country based). Other gaps are: excluding some vulnerable groups from the overall scope of safeguards; ignoring the significant role people with disabilities could play in the development process; no requirement to address unique needs of children, resulting in projects with detrimental impacts on them; inadequate protection of natural habitats; and no recognition of the right to Free, Prior and Informed Consent for Indigenous Peoples.
<i>Within the World Bank Group</i>	The World Bank Group sometimes disregards important environmental and social considerations, for example, one institution can support areas that have a negative impact on the environment. For example, MIGA had supported dumping of plastics in landfills. This also discouraged the previous good practice of plastic recycling by the informal sector, whose livelihoods were negatively affected as a result.
Indigenous Peoples OP 4.10	Indigenous Peoples policy (OP 4.10) has loopholes. The query elements are weak and provide no policy to ensure local constitutional rights and consider the issues of property rights. Indigenous Peoples feel they have very little involvement in World Bank funded projects and they are only consulted when the project is <i>ready</i> . In addition, Indigenous People feel they have limited access to the World Bank and that consultations are done through the state. The World Bank should involve Indigenous Peoples in the design, implementation, monitoring and evaluation of projects and treat indigenous peoples as partners to ensure development results.
	There is a need to respect traditional rights. This respect should include restitution. Governments have talked about this for a very long time but to date there is no mechanism in place to address this issue. For example, in Orissa, much of the land is managed by the community. This results in many different names and titles. When these lands are taken, compensation is not

	<p>offered. Restitution can be done only if people own the land but for tribals this is rarely the case. Typically they use the land which is owned by the Government under an arrangement with the Tehsildhar (revenue officer). If there are problems, tribals do not have the ability to use the judiciary process. Institutional changes – for example empowered tribunals - are needed to provide tribals with access to legal aid.</p>
	<p>This policy is intended to protect Indigenous Peoples from harm by requesting a stand-alone Indigenous Peoples Development Plan. However, to reduce project preparation cost, clients are more likely to select project areas which do not have Indigenous Peoples, thus excluding those people from project benefits.</p>
<i>Definition</i>	<p>The Indigenous Peoples policy should be mindful of different definitions and a consistent and appropriate definition should be developed. The definition in the policy does not seem to be fully applicable in some countries. The rights of Indigenous Peoples should be defined as “inherent rights of local people” as it is defined in the UN Declaration on the Rights of Indigenous Peoples, but not as “interested parties”</p> <p>The policy is not well tailored to the situation in some countries as far as the definition of the term is concerned. Criteria for considering various groups as “Indigenous Peoples” must be tailored to the reality of the country. Vulnerability criteria must be more precise and take into consideration national systems and contexts.</p> <p>Indigenous Peoples: for countries that recognize ethnic minorities’ autonomous rights, minority people are actually the majority population in areas where they live and would be the main beneficiaries of projects. It seems that the requirement of a separate ethnic minority development plan for Bank projects in these areas is superfluous.</p>
	<p>With respect to the concept of “indigenous” peoples in Africa, put the concept of “indigenous” peoples in the appropriate context in Africa (for example, when speaking of Pygmies).</p>
	<p>The failure to incorporate the Afrodescendant population in current policies is an extremely important issue in the Latin American region. To achieve genuine integration of the Afrodescendant and indigenous populations in sustainable development projects, censuses need to be conducted to produce differentiated statistical data to help the government and the Bank plan specific development policies for these population groups. This, in turn, will provide specific social indicators to measure whether this population sector is being served adequately, and to combat the problem of inequality.</p>
<i>Encroachment of land</i>	<p>Encroachment of government land is another pressing issue. The social assessment process should deal with tribal areas and also with tribes who are occupying other areas and consider carefully all the levels of difference that occur in different places.</p>
Involuntary resettlement OP 4.12	<p>The big problem in R&R is that the market value doesn’t match what is required. It is a big gap and this results in the evasion of stamp duty. One other problem is that we tend to monetize everything but compensating for loss of livelihood with wages doesn’t always work. There have been situations where resettlement has taken place and land was given to project-affected villagers in a host village, but even after 25 years, the host villagers are unwilling to accept the project-affected people. Even with the best of efforts and intentions, it is possible not to get it right. There is a need to look at livelihoods with a more broad-based focus. Implementation governance should be integrated with the policy.</p>
	<p>Encroachment is a huge issue. There are certain guidelines on how encroachers, who may have occupied an area for 5-10 years, need to be evacuated. Bank policies should be clear about encroachment.</p>
	<p>In expropriation, there are often gaps, particularly with regard to the availability of the budget on time and diligence in the</p>

	payment of compensation
	<p>Coordination with local regulations regarding compensation arrangements: under a metro project, local resettlement policies called for 35% of land compensation to be paid to the displaced villagers, with the remainder put into a village collective account with villagers as shareholders of collective entities. However, the Bank requested to pay full land compensation to the displaced villagers.</p> <p>External resettlement monitoring: domestic-financed projects do not require external RAP monitoring while both the World Bank and Asian Development Bank require it. This is an additional cost undertaken by project owners.</p> <p>Domestic RAP and Bank RAP. For large- and medium-scale water resource and hydropower projects, some countries' regulations require resettlement and land take plan preparation and resettlement implementation supervision to be carried out. For such projects, the Bank also requires preparation of a Resettlement Action Plan, which is repetitive and puts additional costs on the project owners.</p>
	<p>The requirement to apply OP 4.12 in cases where the Bank's OP 4.12 Involuntary Resettlement policy and the national legislation are inconsistent, leads to difficulties in terms of both implementation and the national legal system, particularly when compensation is in question. Furthermore, it is not always possible to obtain the required personal information such as the income of citizens, their disability status, wages, ethnic origins, wealth, etc. Because there are too many owners particularly in respect of land registry -cadaster practices in Turkey, it may sometimes be practically impossible to discover who is affected, and this may pose risks for project implementation.</p> <p>Practical problems are caused by the fact that OP 4.12 on Involuntary Resettlement recognizes all types of expropriation as "involuntary resettlement" regardless of size and nature. Problems are caused by including under the same heading both large projects and small projects with negligible social impact.</p> <p>Instead of expropriation clauses such as "depreciation shall not be deducted for relevant houses", and "land for land", provisions such as "establishment of an efficient compensation mechanism" and "new land elsewhere based on the net income from the land" could be useful in the implementation of investment projects.</p> <p>The use of "forced resettlement" or "resettlement for public good" instead of the concept of "involuntary resettlement" could facilitate the realization of certain investments for national interests.</p>
Land acquisition, compensation	<p>Social issues related to compensation and land acquisition remain one of the most pressing challenges in project implementation.</p> <p>In most externally aided projects, problems often occur when land acquisition is involved. The traditional processes are constraining, as these do not address social impacts adequately.</p>
	<p>Small, marginal farmers need to be safeguarded. It is important to determine the yield value over a period of time, consider inter-generational equity aspects, and recognize future potential in terms of compensation. This is particular relevant for small, marginal farmers who may or may not have land records. Introduction of the term "enterprise value," which captures this future value, should be considered, as opposed to the replacement value that is presently in use.</p>
	<p>The social and environmental safeguard policies are particularly complex with regard to land acquisition. The process of project</p>

	implementation for land acquisition is locally handled. While the technical side is easier to handle, preparation always presents challenges. This is an area where more help from the Bank is needed.
	In terms of replacement cost of land and structure, there could be a wide variation between a Government of a country and the Bank. It is well established that evaluation procedures laid down in local laws for compensating people for their affected assets invariably lead to litigation to increase the amount of compensation. The courts settle these claims over long periods thereby affecting the replacement concept as such. To provide timely and adequate compensation prior to dispossessing people of their assets, replacement cost as a category of assistance is disbursed to the affected in Bank supported projects. The methodologies for estimating replacement cost vary from project to project. Whether those affected receive adequate replacement cost remains unclear. The approaches adopted by Bank and other donors to arrive at the replacement cost, varies across regions and across sectors. There is a need for a uniform approach to calculation of realistic replacement cost.
	<p>Basis of land compensation. Certain countries stipulate compensation based on land productivity. There is no land market such as that defined in Bank policy, yet the Bank requires compensation based on market price. By law in some countries, land belongs to the revenue department and owners are compensated. In community forests, however, the community protecting the forests and the people are not compensated.</p> <p>Coordination with local regulations regarding compensation arrangements: under a metro project, local resettlement policies called for 35% of land compensation to be paid to the displaced villagers, with the remainder put into a village collective account with villagers as shareholders of collective entities. However, the Bank requested to pay full land compensation to the displaced villagers.</p> <p>Differentiated treatment of vulnerable peoples: The Bank requires differentiated compensation to vulnerable people while domestic policies require equal treatment.</p>
Safety of Dams	There is a lot of emphasis on technical parameters side but not on the management side. For instance, unprecedented or huge rainfall may cause unanticipated impacts downstream. As downstream inhabitants may not be used to so much water flowing, some kind of continuing education program should be done as a part of dam break analysis. These aspects as well as preventive evacuation should also be reflected in the policy on Safety of Dams.
	Safeguards referring to dams are not applicable in countries where there is no hydrographic network.
	There are differing definitions of big dams: according to the policy, a dam higher than 15m will trigger the policy. However, in some countries the definition of a big dam may be subject to the reservoir capacity. Some dams are taller than 15m but the reservoir capacity is rather small, so it is considered a small dam.
Cultural resources	In the present form, the Bank's safeguard policies concentrate on cultural resources of a higher level as opposed to such resources at the community level. For instance, a minor temple in a community is not given the required importance.
Forests	Classification of forests is an issue in environmental assessments. The definition of a forest varies from country to country and can be a tricky issue.
Climate, environment	The construction period for road or other infrastructure projects is 12-18 months. But environmental and social measures are long-term and last beyond this period, yet there is no monitoring of these measures once the project is completed.

<i>Assimilative studies to understand cumulative impacts</i>	Assimilative studies are needed to understand cumulative impacts; strategic environmental assessment should be the basis for planning.
<i>Environmental flows assessments</i>	Increasing storage capacity and constructing cascade dams to regulate river flow both offset climate risk to the developer, but they aggravate tensions with downstream users, as larger storage capacity generally mean greater impacts. Environmental flows assessments must therefore require benchmarks to assure maintenance of optimal downstream ecosystem and community health, and to achieve optimal balance between environmental flows maintenance and infrastructure operation.
<i>Cumulative impact assessments</i>	Requirements and quality standards for cumulative impact assessments (CIAs) should be clarified, for example, as a pre-requisite for the construction of any large dam in either a regional power pool or a river with multiple planned projects, including cascade dams and multiple reservoirs. CIAs must necessarily include the impacts of associated facilities and transmission lines. The IFC's recent guidance on cumulative impacts is not an acceptable approach to strengthening cumulative impact.
Livelihoods Land rights and value	Valuation of land is done without looking 20 years ahead. While cash is made available, lack of assets makes restoration challenging among poor families or tribals. There is no analysis of what will happen 20-25 years later. The possibility of distributing money over a 10 year period should be considered.
<i>Impact on livelihoods.</i>	It is important to mainstream livelihoods more robustly throughout the safeguards so that the impact of World Bank projects on livelihoods can be much better and also more consistently understood.
Gender	There is a need to clearly mention gender issues and include determination of eligibility. There should be no discrimination against women. In certain cases, women have to be older (30+ years) to get the same benefits that a man receives once he turns 18. There should be no gender bias. It is important to do good for women too.
Risk categorization	There is no guidance that clearly offers a succinct definition of Category A Projects. Current definitions of "Indigenous Peoples" are difficult to capture all sectors of vulnerable populations. "Indigenous Peoples" is simultaneously too broad and too narrow a term to be universally applicable; in some contexts the idea applies but the title is problematic, in others the title is applicable but the idea is less necessary. The risk of under-categorization of projects is important to take into consideration in the Safeguards update (for example, a project categorized as "B" when it should be "A."). In many cases the Bank's categorization of the project differs from the categorization made by the Government. For example, the Bank's project classification for the Environmental and Social Impact Assessment (ESIA).
Lack of harmonization <i>With other donors</i>	Each donor has its own safeguard policies and this complicates compliance with safeguard policies by implementing agencies, including the multi-donor projects. It would be wise to develop a policy framework to safeguard harmonized across donors or use the system of the country
<i>With national laws and standards</i>	The safeguards are characterized by rigidity in some cases and they need to be tailored within a flexible frame to fit and accommodate the social and environmental specificities of the various countries the Bank works with. In reviewing the policies, The Bank should consider carefully the discrepancies that exist between the Bank's requirements and the legal national requirements. This normally results in reluctance on the part of Governmental officials to accept additional standards (the Bank's) outside the national law.

	<p>When the Bank's safeguard policies differ from the relevant country legislation, the process takes a very long time due to the documents to be prepared and the meetings/consultations to be held.</p> <p>There are differences in legal frameworks and overall government policies. For example the treatment of "illegal occupants" and "market price" involves specific differences (and sometimes even contradictions) between Bank policies and certain countries. The inconsistencies between the country systems and the Bank policy often lead to delays, as well as differences in interpretation at the provincial level.</p> <p>If the Bank's policies go beyond the laws of the land, this results in inequalities, which create problems.</p>
	<p>While Bank safeguard policies require transparency, some country laws and regulations require confidentiality. This makes it impossible to monitor the implementation of the policies and seems to be in contradiction to the Bank's transparency principles. Measures should be taken to avoid such problems in countries where the World Bank works.</p>
	<p>There is a need for coherence between what has to be done at facilities/project level and at state level (and each level may require a different dialogue). We know what is needed at the project level. Projects need prescriptive rules (and indicators, etc.) as this is where the risks are. They need to comply with national law, apply the same standards, so that there is coherence between facilities. But we need to look into what the state must do. For example, the state will be asked to step into a guarantee role. The state needs a set of principles. The public and the private sectors need to work together under common principles. The principles need to be globally based, and not prescriptive. For example one could look at a set of 15-20 principles.</p>
Development effectiveness, negative effects	<p>The IFC funded West Coast Paper in the Dandeli district, which was operating without an effluent treatment plant (ETP) and using old chlorine bleach technology. This was near the pristine forests in North Karnataka, where tribals/adivasis were living using traditional knowledge. Bamboo forests were provided free of cost, along with electricity and land. People have been suffering; there have been neo-natal deaths, and cattle were found to have tumors. In 2004, IFC funded this paper mill to expand its operations. An ETP was installed but it was too small to meet the requirements. Up to two out of three people continue to suffer, including from skin infections and other problems. Land can only be used for bamboo and the pulpy, polluted water of the Kali River cannot be used for other purposes. There are high levels of heavy metals and carcinogens. About 62,000 ha of forest land has been given for monoculture for pulp supply. Complaints were sent to the World Bank/IFC. This is an example of a project that has been implemented under these policies. Lessons should be learned on how to avoid this in future.</p>
	<p>While the Bank is doing business, it is not always facilitating development. Commoditization and privatization are what Bank policies stand for. These have proven to be socially unjust and financially imprudent, because they put a country in debt and harm vulnerable and marginalized people. The policy of user fees applied in health and public goods sectors is highly unsuccessful and places people at risk. Such overarching policies have already damaged Latin America and Africa; safeguards do not work.</p> <p>Despite all safeguard policies IFC is financing operations that are causing harm to people and communities (for instance the financing of the expansion of the Paper Mill Project in India causing damage to the environment and communities).</p>
	<p>There is a contradiction between the philosophy of safeguard policies and the Bank's economic interests. The problem is that banks seek profit and there are fields and cases where banks are not interested in applying safeguard policies. One example is the exploitation of shale gas – it has been estimated that 5% of the Romanian territory will be either lost or severely damaged as a consequence of applying and using exploitation mechanisms.</p>

National laws and use of country systems	Laws and policies are in place however they are not implemented appropriately because of lack of institutional mechanisms and budget for implementation. Because the emphasis is on the preparation of projects rather than on implementation, safeguards are not fully implemented. National laws also cover safeguard topics. The major problem with safeguards implementation is the enforcement of the national laws. Instruments that the World Bank can use to enforce the laws of the land in its projects need to be considered.
	The use of country systems is needed but it is a concern in the sense that it might mean lowering the benchmarks, in particularly with countries that lag behind in their systems.

Recommendations: Improvements to the current safeguard policies	
Overall	The Bank's effort to review and update its Safeguard Policies is to be welcomed. Linking up clearly with other reforms within the Bank and elsewhere will be critical, to ensure that the process actually delivers the stated objectives.
	<p>Bank should consider core principles that can promote sustainable development, including those already reflected in the current safeguard policies.</p> <p>The review process is an opportunity to reframe the safeguards to drive positive contributions to sustainable development, not just minimize negative impacts and manage risks. To do this effectively, the safeguards will need to evolve considerably from being a risk management tool. To implement this change in approach, the financial instruments of the Bank could be used to support high achievers. Aligning Bank policy objectives of inclusive sustainable development with financing mechanisms would put the Bank in a strong position to drive global change.</p>
	The safeguard policies should contribute towards the overarching goal of the World Bank, which is to reduce poverty, shared prosperity and fight inequality.
	The interest in looking at human rights and free, prior and informed consent (FPIC) of Indigenous Peoples is very welcome. This is supported by the direction taken by countries in recent years to promote social rights through the ILO, the G20, and the AFD and the IFC (with its labor standards).
	The Bank needs to strike a balance between minimum standards that are clear, enforceable, and protective of the environment and vulnerable communities on the one hand, and that also allow for the effective engagement and progressive development of capacity among its borrowers on the other hand. A balanced approach would build from a set of clear standards that protect the rights and interests of affected communities from disproportionate and unacceptable harm. In this way, the Bank can reaffirm that protecting those rights and interests are as important to development effectiveness as is a good relationship with the government borrowers. Added to this would be a set of more general principles and aspirations to guide the Bank's engagement with its borrowers and its evaluations of the borrowers' country systems. In this way, the Bank's policies could ensure minimum protections and embrace a more flexible approach that supports its borrowers to improve environmental management over time.
	Consider the profound changes at the social and technological level that could be examined in relation with World Bank safeguard policies (distribution and universal access to information and communications technologies (ICTs), the emergence and sometimes the consolidation of the middle class in developing countries, higher levels of education, the substantial increase of international migrations, the strengthening and growth of Civil Society Organizations (CSOs), etc.). These factors are pertinent to all the policies submitted for review, but notably to OP4.01, OP4.10, OP4.11 and OP4.12.
	<p>While the link to investment lending (IL) reform is evident, the link to the Bank's procurement reform needs to be more strongly articulated. The three reform processes (IL, Procurement, Safeguards) should be integrated if possible, since the main challenges (as the IEG pointed out) are in implementation—and implementation challenges are generally related to all three.</p> <p>Safeguard objectives should, where possible, be included in the procurement review. The safeguards review should also take into consideration the outcome of the review of World Bank procurement policies.</p>
	The revised policies should seek alignment with the goals of the World Bank's Environment Strategy 2012-2022. The strategy's

	Green Agenda, focused on sustainable management of natural resources and valuation of ecosystem services, could be advanced by strong natural habitat and forest safeguards. The Resilience Agenda would likewise be supported by safeguards with strong protections for ecosystem services.
	<p>The review should include the following:</p> <ul style="list-style-type: none"> • Strengthen procedures to determine “equivalence” and “acceptability” of design and implementation of country policies, through participatory and inclusive processes that include local communities and CSOs. • Bank assessments of country systems should not be conducted on a project basis, but should rather be built from national laws and regulations, and have a strong emphasis on transparency, accountability, strengthening country institutions, capacities and democratic governance towards the benefit of all citizens. • As per the provisions of the pilot program OP 4.00, the Bank should not only base its assessments of equivalence and acceptability in a manner that is proportional to the potential impacts of the projects, but ensure a standardized approach that is in line with national laws and regulations and international standards. • Supervision, redress and accountability mechanisms within the country systems should be a key element in the Bank’s equivalence and acceptability assessments. The Bank should ensure that it increases its ability and resources to maintain a stronger level of its own supervision and assessments of the country systems. • The Bank should promote training and capacity on the use of specific diagnostic tools like the Land Governance Assessment Framework. • The Bank should explore the promotion of certain multilateral internationally agreed upon tools of best practice, such as the UNFCCC national reporting frameworks and the UNCFs Voluntary Guidelines on Land Tenure (which the Bank recently announced would form the basis of its work on land tenure – see Land as emerging area below).
	With almost twenty years of experience working with communities affected by World Bank-financed projects and assessing compliance with Bank policies, the Inspection Panel is well placed to provide insights and recommendations to the Bank in its review of the safeguards. The Inspection Panel should play a similar role to the role the CAO played in IFC in the safeguards review. The safeguard review provides a unique opportunity for the Bank to incorporate the lessons learned from the Panel’s twenty years of experience.
	<p>The updated policy should consider shifting the focus from project preparation to project implementation, and aim at a policy framework that shifts the focus to implementation rather than documentation. The shift of focus to project implementation will involve providing the clients with training and guidance.</p> <p>The Bank should ensure that Bank staff has the incentives, capacity, and skills to ensure effective safeguard implementation.</p>
	Greater clarity on categorization of projects/programs is required. For example, the EA categorization of projects should be more specific. Provisions for accommodating the already fine-tuned existing rules/regulations and policies available in the country, and which have specific categorizations of project (e.g., MoEF has already categorized various infrastructure projects under categories A and B), should be incorporated into Bank policy. Moreover, the Bank’s current policies do not distinguish between linear projects and area-based projects. There is a huge difference if 1,000 people are affected in a particular area compared to impacts on 1,000 people over a 100 km stretch. The policy framework should recognize that area-based and linear

	projects are widely different. A clear categorization should recognize the type of project, whether linear or area-based, and the sector. In multi-state projects, the categorization should be made at the state level.
	The Bank's experiences with different types of safeguard approaches provide some useful lessons. These lessons suggest that the Bank and other financial institutions will benefit from building on the safeguard systems of recipient countries, producing clear minimum standards, incentivizing positive action, putting more people on the ground, empowering citizens within the country, investing in the systems of countries, and responding to differences between countries and sectors.
	The Bank should balance the tradeoff between development and protection. Safeguards are not meant to impede or limit development but to mitigate its negative impacts, since every project has risks. The Bank should consider to have more policy and guidance on remediation than prevention.
	Modernize standards using new information and best practices. Significant expansion of support for capacity building in national environment ministries. Build capacity at all levels to effectively implement measures.
	Safeguards must make a clear distinction between principles and procedures, and must also clearly indicate how these are applied in project preparation. At present, principles and procedures are prescriptive, like imposed rules (which goes against the very spirit of Safeguards), while at the same time they are open to interpretation by the specialist implementing them, or by the Bank Task Team Leader directing the project. Policies must have a stronger scientific basis and clear procedures and not be open to subjective interpretation. Procedures for the application of safeguards should take account of the differences between the various types of projects (infrastructure, policy generation, etc.). Furthermore, a distinction should be made between policies and good practices.
	<p>The safeguards should consider the interests and benefits of the communities adjacent to the project sites, particularly in large sectoral projects where these communities are likely to experience negative impacts.</p> <p>As part of the agreement between the Bank and the country, the government should be accountable to citizens. Citizens should be encouraged to monitor projects and this should be included in the loan agreement. The loan agreement also should include binding articles to ensure that the government discloses and shares information transparently with CSO, including information about disbursement, jobs created, etc.</p> <p>Civil Society involvement with the World Bank throughout the life of the project is critical. For example, the ESIA should be made available at an early stage of the project and allow for CSO feedback.</p> <p>Ensure resources for supervision and capacity building. Need to have project site visits more often to ensure that project affected communities have information so they can monitor and know who to contact if problems exist.</p>
	An increased focus on sustainability is welcome, provided that risks, including human rights risks, are effectively and appropriately managed. A move toward principles and results-based performance standards should be accompanied by a strong evaluation framework for safeguard results as well as an accountability framework for the Bank.
	An integrated policy framework should adequately protect the reputation of the institution. Anchoring Bank investment operations in ambitious outcomes and sound processes – from preparation to implementation – remains key. Therefore, the system should contain a clear commitment by the client to development outcomes with corresponding accountability and correction mechanisms. With regard to the Investment Lending Project Cycle, upstream preparation should be seen in the sense

	of “due diligence” and retain a high “quality at entry”. However the solving of problems identified during the due diligence process should become an integral part of the downstream implementation process. In consequence, budgetary resources need to shift from the upstream towards implementation (problem solving), in particular to capacity building, monitoring and supervision. However, the Bank should not be too flexible just to be more competitive: while it is important to strengthen the downstream side, the Bank should be aware that flexibility on the upstream has its limits.
	The review should clearly address economic displacement, impact and rehabilitation.
	The Bank’s updated safeguards must be presented in terms that affected groups can understand. The following terms should be more clearly defined. Significant effects (degree and size of effect); Cumulative impacts (synergism of multi-effects); Long-Term or Irreversible Effects (likelihood); Direct and indirect effects (immediate design effects or associative effects of design and/or implementation); Connected or enabled project actions (one project links to another or creates the environment for the other); Sensitive or unprecedented impacts (otherwise unknown or unforeseen without the Environmental Assessment); Mitigation (avoidance, minimizing, or compensation); Third Party influences (related to indirect and cumulative effects where impacts are foreseeable); and Disproportionate effects (difference in equality of expected impacts). Essentially, the revised safeguards need to have a translation bridge between the Bank and the emerging issue group. This bridge would help ensure that all groups associated with emerging areas could have a transparent channel into how the decisions about assessment categorization are done (i.e., EA category A, B, C, FI). This categorization is so important to the proper characterization and future analysis of the emerging issue. Missed opportunities lead to virtually irreversible effects and ultimately significant cumulative effects.
	Safeguards must make a clear distinction between principles and procedures, and good practices. They must also clearly indicate how these are applied in project preparation. At present, principles and procedures are prescriptive, like imposed rules (which goes against the very spirit of Safeguards), while at the same time they are open to interpretation by the specialist implementing them, or by the Bank Task Team Leader directing the project. Policies must have a stronger scientific basis and clear procedures and not be open to subjective interpretation. Procedures for the application of safeguards should take account of the differences between the various types of projects (infrastructure, policy generation, etc.).
	The revised policies will have to be clear, practical and more flexible.
	Safeguards should be more specific and responsive to contemporary challenges such as climate change, sustainable development, inclusive and transparent projects and programs (for local and indigenous communities, civil society), changes in the structure of financial and development institutions.
	Focus on incentives. Although social and environmental safeguards could go a long way in the planning stage to ensure that loans for specific projects do not have adverse consequences, those who have to ensure that a project is implemented in a manner that follows the agreed parameters within a specific safeguard policy at the national level are still subject to an array of incentives that may lead to implementation looking very different than intended.
	Key areas of importance to the safeguard review process include: social and environmental assessment, human rights, discrimination, indigenous peoples, involuntary resettlement, labor rights, gender equality and women’s rights, children’s rights, rights of persons with disabilities, projects in disputed areas, climate change mitigation and adaptation, natural habitats, forests, and dam safety.

	<p>The Safeguards must first and foremost be a tool for “doing no harm,” with any mandates of “doing good” being additional to this core principle.</p> <p>Too often, non-mandatory and key non-enumerated provisions are ignored as implicit inferences (such as social assessments in OP.4.01), when they must be brought forward and made explicit and mandatory to assist Bank staff in effective implementation.</p>
Do not dilute Bank standards	<p>The new policies should not be diluted.</p> <p>Important to ensure the full implementation of President Kim’s commitment that the safeguard review will not lead to any dilution of existing safeguards but will instead result in stronger protections for people and the environment. The review should meet the highest and best international and national standards. Given the fundamental importance of safeguards in the Bank’s development model, we believe that the review should prioritize the human face of safeguards, resulting in stronger rather than weaker safeguard protections for affected people and the environment.</p> <p>When the first draft is released, a comparison analysis with current requirements should be made available.</p> <p>Policies should be simplified but not diluted. Respect for human rights, with a focus on the rights of those most affected by Bank projects, namely Indigenous peoples and local communities, should underpin any changes made to existing safeguards.</p> <p>The adoption of the approach pioneered by IFC Performance Standards would represent a significant dilution of safeguards. In fact, adopting IFC’s model of monitoring and evaluation, which relies heavily on self-reporting from the client, may further undermine sustainable outcomes. The Bank needs a stronger mandate to systematically integrate clearly specified indicators of social and environmental performance, invest in client systems to collect and analyze operation monitoring data that is disaggregated, and clarify use of independent and community participation in project supervision and evaluation.</p>
	<p>Focus more on Bank technical assistance and training to make national legislation more compatible with Bank policies. This would contribute to the process of improvement in national legislation, which will be beneficial for the country.</p> <p>Prioritizing national standards on environmental and social issues may pose problems since these could be less stringent than the Bank’s current safeguard policies. For example, in certain countries the national resettlement policy focuses only on protecting owners, whereas the Bank’s policy goes beyond this. Additionally, there are many laws on the national level that are not enforced. The use of country systems needs to be regulated to avoid lowering the benchmark.</p> <p>Important not to shift the responsibility for fulfilling safeguards on to governments. The concern that the Bank’s supervisory function will be weakened stems from the reform of the IFC, particularly in view of the recent report by the IFC ombudsperson (CAO, Audit of a Sample of IFC Investments in Third-Party Financial Intermediaries). It is important to learn from these lessons.</p>
	<p>The approach laid out in the Approach paper quite clearly wants to move away from "prescriptive" to an approach that will have environmental management systems, and work with borrowers towards this. This same approach was adopted in the IFC Performance Standards. There is value in an integrated safeguard policy, and in working with borrowers to strengthen their systems, however the Bank should retain the minimum standards approach that is in both international law and in current policies. Relying on the fact that more countries have laws is not sufficient, especially if depending on a country-system type of approach. It's the implementation of the law that makes a difference. The success of the Performance Standards is because these standards occupy a very different policy space than the public sector the World Bank works in. If the Bank abandons its clarity and minimum standards, it will be ignoring its role in the international legal system. What's at risk in the review is not the perception that the Bank will weaken its policies, and that there will be a fight over words. The risk is that the Bank will weaken</p>

	<p>its policies, and it will no longer be viewed as a leader in environmental and social development policies. Important that the core standards are clear, mandatory, and enforceable. This includes, for example, maintaining clear requirements for public consultation in environmental assessment, effective compensation in involuntary resettlement, and the use of indigenous peoples' development plans.</p>
Integrated approach	<p>Because all of the safeguard policies are interlinked and have such a broad impact on local communities, it makes sense to bring them under an integrated approach. A more integrated policy system should be considered, because the current structure of policies divides issues that form part of an integrated concept. For example, Forests & natural habitats should be merged as they do not merit separate policies; other operational policies (EA, Physical Cultural Resources, Involuntary Resettlement and Indigenous Peoples) are closely intertwined. There is also clear overlap among the various safeguards (e.g., environmental assessment and pest management), contributing to the complexity and bureaucracy of the process.</p> <p>Current problems in implementation as well as changes in the development landscape require an overall more holistic approach to safeguards that the Bank should adopt. Preserving a natural habitat or cleaning a river requires an integrated approach, e.g., addressing the pollution problem, municipal waste issues, social behavior change, etc. The integrated framework as described in the approach paper is timely and is welcome. Currently the Safeguards are seen as add-ons, when they should be shaping development. The seven emerging areas are the core of development, not additions. The Bank-driven Strategic Environmental and Social Assessment (SESA) is an important instrument to help ensure all factors are weighed in, enabling the client country as a whole to understand the differing positions and potential human environment and human condition impacts.</p> <p>In designing a new framework it is important to consider the following factors: 1) increasing demands of multilateralism and the need for a healthy multilateral system to encourage more countries to tackle common concerns with increased shared responsibilities; 2) trade restrictions for environmental objectives; 3) New approaches for social justice and environmental sustainability; 4) challenges of environmental governance at national, regional, and global levels; 5) administration for environmental justice; 6) alternative dispute resolution mechanisms (case management systems, standard forms, etc.); 7) borrowers' performance on promoting active citizenry; 8) political uncertainty/instability and lack of transparency in policy decisions; 8) legal issues involving pricing, taxation, royalties, ownership, arbitration, convertibility, corporate law, accounting rules, funds remittances, and process regulation; 9) use of technology including design, engineering, procurement, construction, equipment installation, and operation of the equipment and its compatibility with accomplishment of project objectives; 10) social environment of borrowers; 11) inadequate or ineffective management of projects by project sponsor or project management agency; 12) high levels of economic inequality within a borrower country that could fuel tensions; and 13) natural disasters, wars, hostilities, military coups, civil strife, and acts of terrorism.</p>
	<p>The main framework of the WB Safeguard Policies (not only IP Policy) shall be consistent with and adhere to international human rights instruments especially with the UN Declaration on the Rights of Indigenous peoples (UNDRIP) and ILO Convention 169.</p>
	<p>As the safeguard policies are designed to operate in the context of a specific project, they cannot influence more strategic and larger-scale topics and investments. Safeguards need to be viewed as an integrated system, and it needs to be recognized that there are problems of continuity in applying social and environmental management mechanisms. It is essential to consider the topic of safeguards in a way that goes beyond a project-by-project approach, and to analyze safeguard management systemically. That would make it possible to capitalize on potential synergies between sectors and projects for example.</p>

	Safeguards should be included in a larger strategic framework. A country's energy efficiency strategy for example in the energy production field should be subject to a thorough environmental impact analysis in the case of energy that is based on renewable sources –green energy.
	The policy update process should consider aspects of sustainability and ethics in an integrated way. Topics such as corruption and mental health also need to be addressed. The latter would need to be recognized as part of human patrimony.
Clear standards and core principles	The Bank should strive in each policy area to have a limited set of clear, mandatory standards that must be met in each project. The Bank should not allow any derogation from these core commitments. An example would be the need for public consultations in project affected areas to review draft impact assessments for projects that significantly affect the environment. Another might be the core labor standards found in international law. These standards can be found in international law or current best practice.
	Leadership in international standards. Bank safeguard policies should become a public good, and lead the way in respect to international environmental and social standards. At the same time, they should remain flexible, allowing application at the national level and facilitating the establishment of country systems. The Bank should remain a trendsetter in international standards. It is important to use Bank safeguards to set up a system of the highest international standards that could serve as best practice for countries in developing legislative frameworks, systems and institutes for environmental and social responsibility.
	<p>If the World Bank continues to claim a mandate for and commitment to poverty reduction, the safeguard review must adhere to international human rights standards and apply the principles of transparent, inclusive and responsive consultation. This would require being transparent in conducting consultations – with a focus on the consultation process. Specifically the Bank must:</p> <ul style="list-style-type: none"> -Provide complete information and all documents necessary for consultation in timely manner, and in a manner accessible to and understood by participants; -Circulate consultation notes that reflect views of the participants, for their approval, before they are published; -Provide for review a written record of the Banks' response to public comments; provide meeting notes of CODE discussions on safeguard review documents. -Inclusive in manner of providing specific measures to ensure the involvement of women, people with disabilities and other vulnerable groups in society in consultations. -allow for self-selection process for the consultations; - Provide translations of safeguard consultation documents and other technical information in languages understood by affected people a minimum of 30 days prior to the consultations; -Provide interpreters during consultations; -Provide specific times and locations and other mechanisms to enable women, people with disabilities and other vulnerable groups to convey their thoughts, needs, and interests freely during the consultation process. -Responsive to the particular needs of affected peoples including women, people with disabilities and other vulnerable groups in society. This responsiveness should be manifested in: (1) sensitivity and timeliness regarding the importance of inviting and involving women, people with disabilities and other vulnerable groups in the consultations; (2) providing them with information about the consultations as early as possible; (3) providing as early as possible the inclusivity mechanisms described above in the

	description of the principle of inclusivity.
	Standards should be clear. Important to provide clear rules and procedures in the safeguards that borrowers must follow, accompanied by guidance notes to help them with the implementation; and ensure clear standards consistent with borrowers' international human rights obligations and a set of minimum environmental and social standards that borrowers cannot deviate from. Provide resources to support capacity building to implement standards.
	The Bank should clarify within its safeguard policies the criteria that disqualify projects from being financed by the Bank. I.e. what are the limits of environmental and social risk that the Bank would be willing to accept before refusing to finance a project? The Bank should have benchmarks that abide by international charters and standards and it ought to refuse to finance any project that does not meet those benchmarks.
	Key recommendations for the Bank's policy review can be organized into four themes: 1) protection of the rights and livelihoods of local communities, 2) protection of ecosystem services and natural habitats, 3) strengthening impact assessment and implementation, and 4) broad and uniform application of safeguards across the Bank's instruments.
	In line with the commitment of no dilution, it is important to identify and acknowledge key principles in the current policy framework that have proven to be critically important to recognize and avoid/address social and environmental harms, manage risks, and protect peoples' legitimate rights and hopes in the context of development work.
	Core principles of good development practice should be considered: transparency, accountability, nondiscrimination, good governance / rule of law, empowerment, participation, environmental, social and economic sustainability
<i>Principles around sustainable development</i>	The Bank needs to set its core principles around sustainable development. It should emphasize integrity, transparency, resource management, good governance, and climate change mitigation as core principles that promote sustainable development. The following principles of sustainable development should drive the policies: 1) Living within environmental limits; 2) Ensuring a just society that is strong, healthy, and includes gender justice; 3) Promoting good governance; and 4) Achieving a stable economy.
	The definition of "sustainable development" should be formulated by the Bank in a more specific way than just development that meets the needs of the present without compromising the ability of future generations to meet their own (financial, environmental, social, demographic) needs. More specific and explicit requirements for borrowers are necessary.
	The Bank should focus more attention on adopting a multidisciplinary notion of "sustainable development" and take the social/societal factors much more into consideration. It would be useful to clearly outline what are characterized as "social and environmental risks" and use the most exhaustive approach possible. Rename the policies as "Sustainable development policies."
<i>Principles to go beyond "doing no harm" to "doing good"</i>	The Bank should embrace a "do-good" approach to end poverty, strengthening safeguard planning instruments to ensure development benefits. In addition to prioritizing indigenous peoples-driven development projects, the development of Indigenous Peoples Plans and Indigenous Peoples Planning Frameworks are key opportunities for the Bank to take into account indigenous peoples' own development priorities. The Bank should incorporate "do-good" elements within the new safeguard framework and strengthen requirements to include development benefits within planning instruments. The review should continue support the ambition to implement policies which go beyond "do no harm" towards improving projects and maximizing long-term development impact.

	Some criticize the policies as being too passive and focused on avoiding damage instead of on making positive impacts. The safeguard policies should be more proactive. For example, the OP 4.04, Pest Management, has a good combination of principles both to avoid damage and make positive impacts. That policy requires not only banning the use of unregistered and/or toxic chemicals and observing safety rules during the use of pesticides, but it also actively encourages the introduction of integrated methods of plant protection.
	Rather than just making sure resettlement does no harm, treat it as a project itself to improve standard of living in communities and to improve access to health services, transport and education. This should be a requirement for all Category A projects with resettlement impacts. Bank environmental policies should not only mitigate negative externalities but also promote projects that maximize potential for sustainable national development (i.e., employment creation, poverty alleviation, inclusive growth, etc.).
<i>Principle of non-discrimination</i>	<p>Nondiscrimination is a useful core principle for safeguards and should be highlighted. The concept of inclusive development could be used with a reference to nondiscrimination. Exclusion and discrimination continue to be key factors that drive and deepen poverty. Economic development initiatives that do not incorporate human rights obligations and principles can deepen marginalization, discrimination, and injustice.</p> <p>Bank need to ensure it does not discriminate against people on any grounds prohibited by international law. Commit to non-discrimination and substantive equality, and to work to dismantle all forms of discrimination and address inequality in all Bank funded activities. Require systematic assessment of the environment for discrimination and marginalization when analyzing the risks related to and the impacts of proposed projects or programs, including obstacles to substantive equality.</p> <p>The World Bank should ensure that all and any safeguard policies protect the principle of non-discrimination on the basis of race, color, sex, age, sexual orientation or gender identity, language, religion, political or other opinion, national or social origin, property, birth, disability or other status. As such, World Bank activities must not discriminate on any prohibited grounds, neither in the design nor in the implementation phase.</p>
<i>Principle of participation</i>	<p>A new policy framework should foster equity and inclusion. The new sustainable development framework must enable a focus on the poorest, most marginalized groups, such as persons with disabilities, ensuring their effective participation in all stages of the process including in the negotiation phase.</p> <p>The Bank should consider stakeholder engagement and the protection of stakeholder rights and interests as core principles that promote sustainable development.</p> <p>The Bank's framework should have active community participation at its foundation. This bottom-up approach will ensure that affected individuals/groups will be part of the entire operation and implementation process. The framework should be completely transparent and should incentivize commitment of both time and resources.</p>
<i>Rights based approach</i>	Consider a rights-based approach in reviewing the Indigenous Peoples policy and other policies. The implementation of FPIC (and discussion on benefit sharing, due process guarantees, etc.) will not be meaningful unless there is proper connection with important issues such as human rights, land rights, right to natural resources, customary law, among others. The World Bank should look at these development issues in an integrated fashion.
	The rights-based approach (RBA) should be considered to improve coherence in Bank's processes. This approach must be respectful of internationally recognized human rights. At the same time, this approach should show consideration for the cultural

	values of local populations and the sovereignty of States in which the Bank operates; protect vulnerable peoples and the ecosystems that sustain them; encourage good governance rooted in equitable participation, conflict resolution, and accountability; and work in partnership with all stakeholders to ensure lasting and fundamental improvements in the environment and for humanity.
<i>Clear commitment to development outcomes</i>	The focus of the safeguard policies should be on what outcomes the Bank seeks to influence rather than on how development is prevented or policed. The Bank and borrowers should collaborate to set achievable goals and outline specific terms early in project development to fulfill their commitment to environmentally and socially sustainable outcomes.
<i>Commitment to inclusive development</i>	Strategies and policies should take into account social, economic, political, religious, and inter-ethnic issues, the need to strengthen non-governmental institutions, and provide for an inclusive approach. The World Bank must ensure that no one is excluded from its development aid and that its resources reach and benefit the most vulnerable and marginalized members of society. Important to protect and enable vulnerable and marginalized people. There should be a clear emphasis on achieving more “equitable outcomes.” Voice, freedom of elections/expression/association/ assembly are aspects of a participatory culture, resulting in inclusive development and poverty alleviation as well as respect for human rights and environmental, social, and economic sustainability. Other potential principles are rule of law and “do no harm.”
	Resolve to strengthen and expand safeguards to prevent poverty and exclusion. Bank should stand as facilitator of the “inclusiveness” process. Adjust to new themes – labor, public health, country systems, etc. – while staying relevant and fulfilling operational mandates.
	The emerging issues may be treated as specific or as cross-cutting questions within the safeguards, under the concept of “inclusion” (gender, sexual diversity, disabilities, minority groups, etc.). A “two-track” approach would be preferable, with specific as well as cross-cutting considerations. Safeguards should focus on human rights, with emphasis on inclusiveness; the Bank should not provide funding for projects that are non-inclusive.
<i>Commitment to living well</i>	The Bank should support the maximization of public welfare (in particular by improving health outcomes linked with environmental factors and maximizing productivity gains). It is important to take account of the notion of living well. International declarations and conventions need to be applied, and living well needs to be treated as a right and be made operational.
<i>Commitment to strengthen planning instruments</i>	The planning instruments established within the Bank’s social safeguard policies—i.e. Indigenous Peoples Plan, Indigenous Peoples Planning Framework, and Involuntary Resettlement Plan—are essential for the functioning of the safeguards. The Bank should strengthen these plans and make them play a more prominent role within the new “integrated policy system.”
Architecture	The International Finance Corporation’s (IFC) Performance Standards should not be an appropriate model for the architecture of the Bank’s safeguards as they involve over-reliance on the environmental and social management system of the borrower without independent verification and assessment of impacts, and too much discretion in interpreting policies and the timeframe for compliance. In terms of thematic coverage, there are areas in which the IFC Performance Standards are better, and they're going further than what the Bank has, but there are also important areas that are not addressed. For example, the IFC is not delivering on climate

	change. The IFC over-relies on self-monitoring and self-reporting, and that may not work. The Bank has to have an institutional system to monitor and ensure that safeguards are being implemented. It will be a dilution to shift from Bank oversight to the sort of IFC type of operation with self-reporting and self-evaluation. The model of self-reporting causes very poor implementation of the Performance Standards from IFC clients, exemplified by the high number of complaints to the CAO. Compliance should come first, problem-solving later. Finally, the IFC Performance Standards' policy space is very different than that of the public sector where the World Bank works.
	The architecture of the Asian Development Bank's Safeguards Policy Statement is preferable to the IFC Performance Standards. The structure with an overarching policy and key principles followed by specific safeguard requirements on, for example, Involuntary Resettlement, provides a very clear framework. There is space for detailed explanation about step-by-step requirements for each phase of processes. These steps need to be binding policy requirements.
	The safeguards framework has to be rules-based, mandatory, contractually and legal binding, which allows affected communities to know what to expect. A rules-based system also allows the Inspection Panel to fulfill its mandate.
COVERAGE <i>Comprehensive application across Bank instruments</i>	<p>The World Bank safeguards review should not be limited to investment lending, but rather should include full and systematic consideration of possible safeguards application to all Bank activities and operations with potential for significant environmental, social, or human rights impacts, including development policy lending, program for results financing, and country assistance/partnership strategies. It is essential for the credibility of the safeguards update and consolidation, and ultimately for the sustainability of World Bank operations, for the Bank to begin now to systematically and thoughtfully consider in this process whether and how the safeguards might beneficially apply to both IL and non-IL activities, including but not limited to development policy lending (DPL), program for results loans (P4R), and plans including country assistance/partnership strategies (CAS), financial intermediary lending, technical assistance and other advisory services. An integrated safeguards framework needs to cover all WBG lending instruments; otherwise it does not deserve to be called "integrated." The safeguards review should result in comprehensive, effective, and consistent risk management in all stages of the lending cycle, ensuring greater relevance to a more diversified World Bank lending portfolio.</p> <p>Advocating for application of safeguards to all types of instruments improves both the quality of the advice given by the Bank, as well as country capacity for implementation, by informing and strengthening national laws and policies, while improving domestic transparency.</p>
	<p>Some other policies should be included in the review. In particular:</p> <ul style="list-style-type: none"> -The World Bank's Policy on Projects in Disputed Areas (OP/BP 7.60) should be included in the review. The reported revision in March 2012 without public engagement has not addressed the flaws in the policy. The Bank has an unclear definition of 'disputed.' The Bank should broaden the definition of 'disputed'. OP/BP 7.60 should be reviewed and strengthened. For example, the Indigenous Peoples networks from Northeast India have asked the Bank to include OP 7.60 in the review because of a number of definitional areas. The Asian Development Bank has also started to review its framework related to disputed areas, so these networks would like the Bank's commitment to ensure this is included in this review process. -Discussion of reforms to OP 13.05. -OP/BP 4.00 (Use of Country Systems) and 9.00 (PforR) should be integrated into the new framework. Table 1 of OP 4.00 can be a model of the requirements for a borrower's environmental and social management systems (ESMS). ESMS analysis should be

	disclosed for DPLs, Investment Lending – FI operations; and PforRs before Board consideration. Safeguard requirements in OP/BP 9.00 also should be revised, since there is no gap-filling requirement. OP/BP 9.00 should be included in the scope of review.
	The World Bank should ensure adequate coverage of social effects—integrating community and gender impacts, labor and working conditions, and health, safety, and security issues not currently covered by its safeguard policies—by consolidating existing social safeguards with other WBG policies on social risks as requirements under one umbrella policy on social sustainability. When we talk about environmental safeguard policies, it should be remembered that environmental degradation often has economic and social causes (e.g. Forest exploitation in rural areas). One cannot impose rules to protect the environment without proposing sustainable alternatives for people.
Safeguards and Development Policy Operations (DPOs)	<p>Establish a wider array of partnership with Development Policy Operations; pursue a clear, universal standard on accessibility throughout all lending investment operations as well as policy and country services; create clear indicators on inclusive development for compliance of borrowers.</p> <p>Bank should conduct impact assessments of all DPLs as a part of its due diligence, particularly with regard to projects or activities that involve a higher degree of social risk. While cognizant of the need to maintain a level of flexibility in formulating the appropriate modes of analysis for each operation, OP 8.60 should be amended to mandate impact assessments of proposed reforms as a prerequisite to accurately determining the breadth and depth of poverty and social consequences. Measures to address gaps or shortcomings in country systems should be clearly and logically linked to determinative factors identified in the assessment.</p> <p>The Bank should explicitly take into account the assessment tools that are based on the normative framework of international human rights law, to which borrower Governments are bound.</p>
	The safeguard review must ensure consistency across all Bank instruments in the policies safeguarding forests and other natural habitats. This is a glaring inconsistency in the Bank’s approach that highlights weaknesses in the environmental safeguard provisions of OP 8.60. In their current form, DPLs lack the explicit requirements for robust risk assessment or social and environmental impact assessment and protections that apply to investment lending. It is critical that the safeguard review address this loophole. Further, given the extensive use of DPLs in promoting industrial timber concession reforms over the last decade, the present safeguard review cannot adequately consider the social, economic and environmental outcomes of Bank interventions in support of concessions unless DPLs are included in its scope.
Look at other Multilateral Development Banks and Institutions; best practices	<p>Important to look at other Multilateral Development Banks, including the Asian Development Bank, and European Bank for Reconstruction and Development. Areas would include: the disclosure requirement period, responsibility for ensuring compliance with requirements throughout the cycle of a project or sub-project, the requirement to have binding language pertaining to environmental and social standards in all contracts and agreements as well as clear limits on any definition of business confidentiality.</p> <p>In many places new approaches from the Asian Development Bank are stronger and more comprehensively applied than those of the World Bank. Where this is the case, the Bank should harmonize its policies upward with these institutions.</p> <p>For example, on the Involuntary Resettlement Policy the World Bank is lagging behind the Asian Development Bank (ADB) in terms of some key areas of the involuntary resettlement policy. While the Bank only requires restoration of living standards of displaced people to pre-existing levels, ADB is now considering provisions to improve the welfare of the affected population.</p>

	<p>Loss of income during transition periods until income is restored should be addressed through social safety nets. Asian Development Bank's Safeguard Policy Statement (2009) calls for compensation for loss of income, in addition to livelihood restoration support.</p> <p>Overall, the architecture of the Asian Development Bank's Safeguards Policy Statement is preferable to the IFC Performance Standards, because there is an overarching policy with key principles and specific safeguard requirements on, for example, Involuntary Resettlement in the appendix, with a decent level of detail/explanation about step-by-step requirements for each phase of the resettlement process. These steps need to be binding policy requirements. The approach (Policy Principles, Delivery Process, Safeguard Requirements) of the Asian Development Bank (ADB) can be used as a reference.</p> <p>Too many important points in the IFC model are in non-binding guidance notes. The CSOs attending reject the IFC model of self-reporting ('fox guarding the chicken coop') as they see very poor implementation of the Performance Standards from IFC clients, exemplified by the high number of complaints to the CAO. Compliance should come first, problem-solving later. The ADB system is better than the Bank's because the process is more comprehensive, especially on social issues.</p> <p>The Bank should adopt international best practices, such as: ADB's disclosure of Social and Environmental Monitoring Reports and disclosure of draft EIA reports at least 120 days before Board consideration in Category A projects; IFC's and ADB's establishment of grievance redress mechanisms; and IFC's free, prior, and informed consent of Indigenous Peoples, labor standards and review of primary supply chains.</p>
	<p>Children and disabled people are not adequately referenced or provided for. Recognition of the differing needs of different groups of vulnerable people is needed. The implementation of a more robust impact assessment policy would be helpful and the EBRD's (European Bank for Reconstruction and Development) approach on forced labor can be taken as an example to follow. The Bank should also look at the commitment of the European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD) to human rights and how social assessments are used as a human rights assessment or a human rights impact analysis in these institutions. The Bank's safeguard policies should recognize that the Bank is bound by the UN Charter and that member states have their own legal obligations regarding human rights.</p>
	<p>On the emerging issues, it is important to take existing international regulations into account (e.g., the conventions of the International Labor Organization and human rights treaties and declarations), and adapt to them.</p>
	<p>A possible model for the approach that the World Bank could take is the Performance Standards of IFC. On one hand, in terms of thematic coverage, there are areas in which the IFC Performance Standards are better, and they're going further than what the Bank has. There are also important areas that are not addressed. For example, the IFC is not delivering on climate change. The IFC over-relies on self-monitoring and self-reporting, and that may not work. The Bank has to have an institutional system to monitor and ensure that safeguards are being implemented. It will be a dilution to shift from Bank oversight to the sort of IFC type of operation with self-reporting and self-evaluation.</p> <p>Projects should comply with International Labor Organization fundamental labor standards. The IFCs Performance Standard Number 2, in general, is a good model when it comes to labor. It calls for respecting those ILO fundamental conventions. The one concerning factor of the IFC model is that it promotes self-reporting and it relies on the clients to monitor and control their activities. The requirements should be enforceable and actionable by relevant accountability mechanisms including the Inspection Panel.</p>

	<p>On a positive side, the IFC system is more oriented towards principles that must be respected and more flexible in its procedures taking into account local contexts.</p> <p>The World Bank's current standards are not as high as those of IFC, which are seen as "best in class."</p> <p>The Bank should strive for consistency across the World Bank Group: a certain degree of harmonization is an important goal.</p>
	<p>The Bank should adopt international best practices, such as: ADB's disclosure of Social and Environmental Monitoring Reports and disclosure of draft EIA reports at least 120 days before Board consideration in Category A projects; IFC's and ADB's establishment of grievance redress mechanisms; and IFC's free, prior, and informed consent of Indigenous Peoples, labor standards and review of primary supply chains.</p>
	<p>Community consent should be the approach regarding the right of Indigenous Peoples to FPIC. Research is needed to determine if the same standards should also apply to communities that do not necessarily consider themselves Indigenous Peoples, but who are still vulnerable, in particular to establish when this is justified, to identify a basis for this in international law and to determine when it may be in conflict with the right of Indigenous Peoples to FPIC.</p>
	<p>Recommended that efforts should be made to make sure that the World Bank safeguard policies complement and reinforce IFC performance standards. Ineffective application of safeguards/standards by one branch of the World Bank Group has the potential to impact the work of other branches. Harmonization of policies is important to mitigate this.</p>
	<p>The International Labor Organization (ILO) Tripartite Declaration on Fundamental Principles and Rights at Work is a voluntary global framework for responsible business conduct. It was developed and endorsed by government, business and workers organizations, and is based on agreed ILO conventions and recommendations. It has a strong emphasis on employment and human rights and applies universally, regardless of ratification. It involves regular monitoring through periodic surveys.</p>
	<p>The Social and Environmental Guidelines of the Japan International Cooperation Agency (JICA) can serve as standards for Technical Assistance.</p> <p>Learn from a number of governments around the world that apply their environmental and social assessment requirements not only to investment projects, but also to decisions related to policy changes, programs, and planning.</p> <p>When evaluating country systems under OP 4.00, how is the Bank evaluating a weak/strong country? It was suggested to use the United Nation's system to evaluate countries and apply the UNCTAD criteria for responsible borrowing, which in return would shift the focus of Bank lending from volume to the extent to which the lending is responsible.</p> <p>The Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity are worth the Bank's consideration.</p> <ul style="list-style-type: none"> • The Bank should consider the following: <ul style="list-style-type: none"> “Akwé: Kon Voluntary Guidelines” for conducting cultural, environmental, and social impact assessments that concern sacred sites and waters traditionally occupied or used by indigenous and local communities. • the International Association for Impact Assessment (IAIA) Capacity Building for Biodiversity and Impact Assessment (CBBIA) project, in which the Convention on Biological Diversity (CBD) and Ramsar Conventions were closely involved. The CBBIA outputs include training manuals and EIA/SEA Guidance. • universally accepted principles in the areas of human rights, labor, environment, and anti-corruption. Its objectives are to mainstream the ten principles in business activities around the world and catalyze actions in support of broader UN

	<p>goals, including the Millennium Development Goals.</p> <ul style="list-style-type: none"> • the Universal Declaration of Human Rights; • the Equator Principles; • the Sustainability Reporting Principles and Guidelines of the Global Reporting Initiative; • the UN Millennium Development Goals; • CBD Voluntary Guidelines on biodiversity-inclusive Impact Assessment; • Principles on “biodiversity-inclusive” impact assessment by the Biodiversity Section of the International Association for Impact Assessment (IAIA) in 2005; • the World Resource Institute’s Ecosystem Services Review for Impact Assessment; • Business and Biodiversity Offset Program (BBOP) standards and guidelines; • international framework agreements; and codes of conduct of multinational companies. <p>The UN Global Compact is a voluntary initiative for businesses committed to aligning their operations with ten and Guidelines for the Sustainable Use of Biodiversity (AAPG); and the Tkarihwaí:ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities (Code of Ethical Conduct).</p> <p>Specifically, in updating its safeguards the Bank should consider local customs and traditions, as set forth in the Addis Ababa Principles and Guidelines, and require such consideration in the application of individual safeguards. Where projects will affect biological resources, means should be adopted that aim toward delegating rights, responsibility, and accountability to those who use and/or manage biological resources, including Indigenous peoples and local communities.</p> <p>As a financial institution that provides support to dams and associated infrastructure projects, the Bank should ensure that its policies are based on the WCD recommendations. In particular, and as a risk management tool, the Bank should ensure that a comprehensive options assessment is carried out.</p> <p>The review process should take into account parallel work being done on inclusion and sustainability in the post 2015 Millennium Development Goals (MDGs) and Sustainable Development Goals (SDGs) processes.</p>
	<p>Emerging best practices on safeguards in the REDD+ space are broadly applicable to forest lending outside of REDD+. These best practices—many of which have been pioneered by the Forest Carbon Partnership Facility—include the application of free, prior and informed consent (FPIC), enhanced stakeholder engagement and participation of indigenous and local peoples, upstream participatory planning processes for national policy and program development, more effective use of project-level accountability and grievance redress mechanisms, transparent and equitable benefit-sharing, and proactive information disclosure.</p>
Harmonization	<p>Ensure that the review leads to an upwards harmonization of safeguards.</p>
	<p>Harmonization can result in a race to the bottom if you harmonize with the lowest common denominator or move from mandatory standards to non-mandatory standards. It would be important to look at other Multilateral Development Banks, including the Asian Development Bank, and European Bank for Reconstruction and Development. Areas would include: the disclosure requirement period, responsibility for ensuring compliance with requirements throughout the cycle of a project or sub-project, the requirement to have binding language pertaining to environmental and social standards in all contracts and</p>

	agreements as well as clear limits on any definition of business confidentiality.
<i>Harmonize with country systems, with international treaties or other agreements</i>	The idea of using national systems is welcome, because the application of both national laws and the Bank's safeguard policies can result in project implementation difficulties (e.g., problems with terminology, duplication of processes).
	<p>Existing United Nations (UN) treaties and conventions that are relevant to safeguard policies should be examined and possibly incorporated as well as adherence to international standards.</p> <p>The safeguards review should take account of progress made in international treaties, as well as the recognized rights of Indigenous Peoples. It is essential that the United Nations Declaration be the pillar on which the new directive on Indigenous Peoples is founded (ILO 169; UNDRIP). Issues relating to Indigenous Peoples should not be limited to considerations of poverty or vulnerable groups.</p> <p>Compliance with applicable standards under international law should be sought particularly those set forth in: the International Bill of Human Rights¹⁰; the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP); the International Labor Organization Indigenous and Tribal Peoples Convention No. 169; the Convention on Biological Diversity and subsequent decisions of the Conference of the Parties; the Nagoya Protocol on Access to Genetic Resources and the Fair and Equitable Sharing of Benefits Arising From Their Utilization (Nagoya Protocol); conventions of the United Nations Educational, Scientific and Cultural Organization (UNESCO)¹¹; and the Convention on Access to Information, Public Participation In Decision Making, and Access to Justice In Environmental Matters (Aarhus Convention).</p> <p>Additionally, and of notable importance are the guidelines set forth in the subsidiary instruments to the Convention on Biological Diversity, including the Strategic Plan for Biodiversity 2011-2020 and the Aichi Biodiversity Targets (Aichi Targets); the Akwe: Kon Voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding developments proposed to take place on, or which are likely to impact, sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities (Akwe: Kon Guidelines); the Addis Ababa Principles</p>
	The Bank should align its policies with the Performance Standards of the IFC and the Performance Requirements of the EBRD, as well as ensure policy coherence with its Procurement Policy. There needs to be harmonization with other MDB safeguards, and other Multilateral Environmental Agreements' action plans such as NBSAPs, NAPAs, NAMAs and Poverty Reduction Strategies to ensure strategic implementation of development plans. Harmonization should not, however, mean a weakening of the safeguards.
<i>Harmonize with itself (other policies and institutions) and other donors</i>	<p>Important that the Bank harmonizes within itself, ensuring that all institutions carry the same values for sustainable development and environmental and social standards.</p> <p>Revise the policy frameworks to harmonize thematic coverage and guidance across the World Bank Group and enhance the relevance of those frameworks to client needs. IFC, MIGA, and the World Bank should jointly adopt and use a shared set of objective criteria to assess social and environmental risks to ensure adequacy and consistency in project categorization across</p>

	the World Bank Group.
	<p>Harmonize Bank safeguard policies with the systems of various donors and development partners.</p> <p>As a minimum As a minimum, the revised policy should be sufficiently flexible to accommodate partner requirements.</p> <p>We support a revised safeguard policy that is consistent with the Paris Declaration and Accra Agenda.</p>
<i>Harmonization and/or flexibility with national policies and systems</i>	<p>The Bank should aim not to impose an agenda and instead show more flexibility toward the people of the host country.</p> <p>Bank safeguards need to be made easier to apply, more user friendly, and take into account client country policies, systems and regulations, e.g., on dam safety and involuntary resettlement, the Bank safeguards need to pay more respect to the existing law and regulations in countries.</p> <p>Take into consideration the multiple dimensions of safeguard policies which include: 1) principle of universal policy; 2) principle of diversified policy; and 3) combination of Bank policies with national policies</p> <p>Reconcile safeguards with national systems.</p> <p>The Bank should adopt more country systems and integrate the policies in a more coherent way. Safeguards should be flexible, have enough room for local laws and regulations. This would help to smooth project implementation and deliver results. Country system policies should not be generalized across countries. In moving towards country systems, the Bank should support the specific country's law, systems and institutions.</p> <p>The Bank should follow an inclusive approach that responds to the needs of all the countries in which it is active. However, these policies must also be consistent with the national legislation of related countries. It may not be easy to develop country-specific policies; however, the advantages and disadvantages of each country may be identified, their development needs determined, and an approach defining the differences for individual countries could be beneficial on a regional basis, if not on an individual country basis.</p> <p>On compliance and alignment with national law, there must be checks and balances at the national and international levels for the Bank to be effective. The Bank should support national agencies to comply with their own laws.</p>
	It is necessary to take into consideration a comparative analysis of the principles, regulations and norms of the Bank's safeguard policies and the national legal framework. Subsequent alterations or adjustments of provisions in order to ensure full harmonization will entail additional time and resources. Where the national legal framework is stricter than the Bank's policies, the Bank should adapt its requirements accordingly. Where provisions are not fully harmonized, there is a great delay in project implementation and there may also be potentially unforeseen consequences.
	It is important to reconcile safeguard policies that are global to the local laws and customs. However, local laws often are weak and could be problematic if the World Bank is based on compliance with local laws. An example would be the issue of mining, where companies comply with national law, but the law on this issue is very weak
	There are also examples where some countries have stronger laws. On Indigenous Peoples, India has probably gone beyond what the Bank requires. There are 5 different laws, e.g., the PESA Act (Free & Prior Informed Consent is the main question on which PESA dwells), R&R policy and Tribal Development Act.
	EIA requirements of the Bank are different from those of the national regulator in India. For instance, the EIA report structures are different. It would be better if the same report structure were used, with additional sections being added as required. Also, the Government of India has established a National Accreditation Board for individuals conducting the EIA. For the accreditation

	as well, preparing the report using the national regulatory requirements and reporting structure is the way forward. It would be preferable for the Bank to recognize and accept the same structure.
	<p>The idea of using national systems is welcome, because the application of both national laws and the Bank's safeguard policies can result in project implementation difficulties (e.g., problems with terminology, duplication of processes). Nonetheless, the Bank needs to respond to the need to strengthen institutional capacity, mainly at the regional and local levels. What is the real likelihood of institutional strengthening? As part of the institutional strengthening program, the Bank could support the review of regulatory frameworks, and the preparation of guides, manuals and guidelines. Institutional support should be provided on a more generalized basis and not only focused on the specific project.</p> <p>Further action should be taken, as a matter of urgency, to recognize country systems and bring them into alignment with the safeguards. The specific circumstances of each country should be taken into account, including the complexities inherent in a federal system of government, as in the case of Argentina. The "Gap Analysis" carried out in Argentina is a good element to be borne in mind when addressing this question. Appropriate linkages must be made between the national and regional levels. Emphasis should be placed on capacity building within the public sector.</p>
	<p>The law of the land must be respected. For example, the Supreme Court of India had issued directions to the State Governments with reference to removal of unauthorized religious structures in parks, roads and public places. The Bank's policy on involuntary resettlement treats encroachers and non-encroachers in the same way. This means that those who are law abiding are treated on par with those who aren't. This also causes projects to incur unnecessary process costs. Similarly, the Bank guidelines stipulate compensation for people who have deliberately flouted the law of the land by encroaching on government property. Encroachers are very well aware of the risk that they are taking and compensating them for the "impact" of a project is not justifiable and again results in avoidable costs. Overall, the Bank's policies may legitimize encroachers.</p>
	<p>There is a need to make environmental and social legislation more compatible with international rules in order to reflect the patterns of project planning and development in the national system. There is also a need to discuss environmental issues and make strategic decisions during the technical-economic justification phase of projects (for example selection of locations for major infrastructural projects).</p> <p>One should seek to comply with the best international practice. For example, hydropower projects should be verified for compliance with the International Hydropower Association (IHA) standards. This would help prevent problems regularly occurring in Russia with the implementation of such projects (Evenk HPP, Boguchany HPP).</p>
	<p>As a legal subject of international law, a public institution with a development mandate, and a United Nations specialized agency, the Bank should ensure that its safeguards are consistent with, and explicitly reference, international standards, including the best practices of multilateral and bilateral financial institutions, and widely accepted international conventions, treaties, and "soft" law instruments protecting the environment and human rights.</p>
	<p>To further strengthen the environmental aspects of the assessment policy, the Bank should draw on the following international standards, which constitute best practice:</p> <ul style="list-style-type: none"> -The UN/ECE Convention on Environmental Impact Assessment in a Transboundary Context (the "Espoo Convention") -The UN/ECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters (the "Aarhus Convention"),

	<p>-Article 8(j) of the United Nations Convention on Biological Diversity contains the Akwe: Kon Guidelines for the development of cultural, environmental, and social impact assessments regarding proposed developments likely to impact sacred sites and on lands and waters traditionally occupied or used by indigenous and local communities.</p> <p>-Various international legal instruments discussed, for instance, in the sections specific to Forests and Ecosystems and Biodiversity, reference standards with respect to impact assessments. These standards should also inform the Bank's updated safeguard policies.</p>
	<p>Assessment tools, including OP/BP 4.10 (Indigenous People) and OP 4.12 (Involuntary Resettlement), must themselves be strengthened in order to meet international best practice and standards. The assessment tools should reference and incorporate the UN Declaration on the Rights of Indigenous Peoples, the International Labor Organization's Indigenous and Tribal Peoples' Convention 169; and the International Covenant on Economic, Social, and Cultural Rights and the UN Basic Principles and Guidelines On Development-Based Evictions and Displacement, respectively. That analysis is beyond the scope of this submission and addressed in other civil society submissions.</p>
	<p>There are a number of additional international agreements and treaties that require the protection of ecosystems and habitats, which should inform the review of the current safeguard policies. These include, but are not limited to:</p> <ul style="list-style-type: none"> - The United Nations Convention on Biological Diversity ("CBD") - The Convention on the Conservation of Migratory Species of Wild Animals, also known as the Bonn Convention, - The Convention on Wetlands of International Importance, or the Ramsar Convention. - 1982 United Nations Convention on the Law of the Sea that establishes a framework for marine governance, sustainable fisheries management, and certification. - The United Nations Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (the "Straddling Fishing Stocks Agreement"). - The 1995 FAO Code of Conduct for Responsible Fisheries (the "FAO Code").
	<p>Conduct, and make public, a systematic analysis of gaps in existing policies with respect to international environmental and human rights standards, which would include, where applicable, extensive review of the research conducted by human rights treaty bodies, international courts and consultation with civil society, affected communities, and other key stakeholders. Harmonize its policies with international laws and the evolving standards and norms related to the protection of the environment and human rights.</p>
	<p>The Bank should look to international law and norms for setting the mandatory standards. As the Bank lends primarily to the public sector clients, it should clarify that it will not support projects that are inconsistent with the international legal obligations of its borrowers.</p>
<i>Harmonization with international standards</i>	<p>The World Bank should aim at high levels of protection of the environment and people's livelihoods based on the application of the precautionary principle, and the polluters pay principle, the EU charter and international human rights laws.</p>
	<p>Important to reference to other international standards, such as the Voluntary Guidelines, to assist engagement with country systems.</p>

	<p>Environmental Assessment can be improved to reflect international best practices and guidelines. To adequately safeguard the environment and biodiversity, impacts must be appropriately assessed, and all the stages of an impact assessment must be completed at a high standard by qualified individuals. Standardized assessment, which is repeatable and delivers robust and scientifically accurate results, is preferable.</p> <p>To promote sustainable development, the Bank should consider: the Equator Principles; the Sustainability Reporting Principles and Guidelines of the Global Reporting Initiative; the Universal Declaration of Human Rights; the UN Millennium Development Goals; Principle 10 of the Rio Declaration, in relation to access to environmental information, mechanisms for redress and compliance, and open consultation; UN “Protect, Respect, and Remedy” Framework and Guiding Principles or Ruggie Principles; International Labor Organization conventions including the Declaration on Fundamental Principles and Rights at Work and the Declaration on Social Justice for a Fair Globalization; the UN Convention on the Rights of Persons with Disabilities (especially the first six of the eight Guiding Principles, along with particular attention to Article 9); and the UN Declaration on the Rights of Indigenous Peoples (UNDRIP).</p>
<i>Upward harmonization – highest existing standards</i>	<p>The World Bank safeguards should be consistent with the highest existing standards, including those of multilateral and bilateral financial institutions and international laws protecting human rights and the environment. The existing safeguard policies and procedures must be strengthened to provide, at a minimum, consistency with international laws and the highest standards and norms (i.e., a process of upward harmonization). Moreover, the policies should create synergies with broader economic, employment, and industrial policies and complement wider efforts designed to achieve development goals.</p> <p>The Bank must commit to ensuring that the safeguard review process entails identifying the highest and best standards for the protection of people and their environment. Moreover, the commitment to ensuring the strongest level of protection must be shown in a willingness to engage in upward harmonization with the best existing standards, among others the new ADB Safeguard Policy Statement (SPS, 2009) in regard to gender, 120 day public comment period on projects with significant impacts, financial intermediaries, clearly defined consultation procedures, mandatory improvement of lives of displaced peoples, etc.</p> <p>The upward harmonization process must also examine national standards to identify those that have stronger requirements for the protection of people and the environment.</p>
	<p>The Bank should improve its framework in those areas where it lags behind other institutions. In this limited way, reference to the IFC Performance Standards would be appropriate. Like the IFC, the Bank’s new policy should embrace free and prior informed consent for indigenous peoples, explicitly promote human rights and labor standards, prevent forced evictions in Bank-financed projects, and expand its explicit approach to counting and reducing greenhouse gas emissions. Like the Asian Development Bank, the Bank’s safeguard policies should be applicable to the entire Bank portfolio of projects.</p>
Impacts analysis	<p>The potential cumulative impact at country and regional level of the range of activities and projects that the World Bank funds should be taken into account. For instance the Bank could be funding a range of infrastructural projects in a region such as roads, transmission power lines, etc. Each individual project may not have an impact, but combined the impact could be significant.</p>
	<p>Regarding areas of influence for environmental assessments, all range of impacts, whether direct and indirect impacts, cumulative and global impacts, ancillary aspects, need to be taken into consideration.</p>
	<p>A wide variety of economic sectors have the potential for significant impacts on forests and natural habitats, including agriculture, mining, energy, transportation, animal production, and waste management. Consequently, conservation of forests</p>

	and natural habitats requires a truly intersectoral approach. The evaluation of the potential impacts to forests and natural habitats must be standard for all impact assessments, for projects in all sectors, and safeguards applied as appropriate. Furthermore, safeguards must be applied across the supply chains of agricultural, forest, mineral, energy, and other products involved in World Bank interventions, and the impact of such supply chains on natural habitats should be considered. For example, substantial literature exists on the far-reaching impacts of palm oil plantations on local communities and natural habitats.
Land acquisition, compensation	In considering new policies, the Bank should take factors such as land character, people's nature and distribution into account, and build in flexibility to address different contexts and social situations. Some key principles could apply, for example when land is taken from people, livelihood restoration must be ensured; or compensation for the land acquired should be paid as per the actual market value. To protect people's interests, their education, social status and livelihood should be addressed stringently. Safeguard policies must be more flexible and conform to the legislative, social and environmental realities
Sustainability of Bank operations	An integrated framework should include a comprehensive process (e.g., assessment, management plan, implementation, monitoring and evaluation) to ensure project sustainability.
	Better institutional sustainability should be ensured. Promises made to the community should be kept. For this, maintaining the posts of social development officers after project closure should be considered. Many times, past commitments have not been met, and 15 years later, the public is asking about such commitments. Now, similar promises are being made again. It is difficult to have trust in future commitments given past history.
	The Bank should facilitate greater environmental and social responsibility of Russian financial institution-borrowers through establishing strict requirements to be applied on a continuous rather than occasional basis, and consistently work with them to develop sustainable, binding accountability mechanisms.
Clearer categorization	There is a need for greater clarity on categorization across sectors and project types. This will help not only in projects that are directly funded by the Bank but also projects funded through financial intermediaries (Fis), who have their own categorization.
	Social experts should be included in Environmental Assessment advisory panels. Risk categorization can be strengthened beyond a specific project. Revenue and contract transparency should be pursued and IFI lending disclosure requirements updated. Full details on purchase prices and buyers should be provided. Grievance mechanisms and post-project monitoring should be promoted.
	Greater clarity on categorization of projects/programs is required. The EA categorization of projects should be more specific. Provisions for accommodating the already fine-tuned existing rules/regulations and policies available in the country, and which have specific categorizations of project (e.g., MoEF has already categorized various infrastructure projects under categories A and B), should be incorporated into Bank policy. Moreover, the Bank's current policies do not distinguish between linear projects and area-based projects. There is a huge difference if 1,000 people are affected in a particular area compared to impacts on 1,000 people over a 100 km stretch. The policy framework should recognize that area-based and linear projects are widely different. A clear categorization should recognize the type of project, whether linear or area-based, and the sector. In multi-state projects, the categorization should be made at the state level.

Use of country systems	<p>The Bank should only set principles. If a client country has comprehensive safeguard policies, country systems should be used and the Bank review should be combined with the client country's review process through, for example, participation of Bank experts in the domestic review process, to avoid conflicting decisions.</p> <p>A clearer process should be employed in deciding when to use Country Systems with respect to safeguards.</p> <p>The specific circumstances of each country should be taken into account, including the complexities inherent in a federal system of government, as in the case of some countries. Appropriate linkages must be made between the national and regional levels. Emphasis should be placed on capacity building within the public sector.</p>
	<p>While social and environmental legislation has improved in many developing countries, the quality of these laws varies, as do countries' capacity to implement them. The Bank will have to take these variations into consideration and clarify the scope for expanding the use of country systems.</p>
	<p>Promote country ownership and strengthen country systems, but clarify the roadmap for strengthening and using country systems, with transparent, accountable, predictable and common benchmarks and greater support. It is possible that in some low-risk cases relying on national systems would be more efficient. However, in other cases relying on national systems may result in a much slower process. Using country systems is a long-term process, needs many resources, a lot of thought, and it is not a fast solution.</p>
	<p>Even if a country violates its own country systems, the Bank is unable to point that out as that would be interference with internal affairs. In this light, caution should be exercised in expanding country systems. Internal reform within the Bank is needed to increase staff awareness of Safeguard Policies.</p>
	<p>Criteria and support for borrower systems and framework lending: OP 4.01 must establish clear requirements and provide adequate support to ensure that Borrowers are qualified to manage risks through use of borrower systems through program or framework lending. Top level eligibility screening criteria for borrower systems and framework lending should include, but not be limited to, dealing well with corruption, transparency, and accountability, and that borrower standards applied for subproject investments are effectively equivalent to OP4.01, including application of an exclusion list. All high risk subprojects identified under borrower systems or framework lending and supported indirectly by a World Bank operation that do not meet proposed screening criteria should be treated as self-standing Category A investment operation. P4R operations should continue to exclude Category A activities.</p>
	<p>The Bank must ensure that the ability of local communities to access accountability is not reduced under the Country Systems approach. Specifically, the Bank must maintain its own responsibility and avenues of accountability for project-affected communities.</p> <p>Important to ensure that borrower systems are assessed against standards that explicitly reference and incorporate international standards and norms.</p>
	<p>In looking at Country Systems, while action to strengthening the capacity of country institutions can be valuable, there are a number of factors, which the Bank should address in this process. Firstly, the Bank must ensure it promotes safeguards that are consistent with human rights obligations; otherwise the Bank risks promoting – and, indeed incentivizing – adherence to standards which are lower to those human rights obligations to which countries have committed. Secondly, the Bank must adequately assesses enforcement of laws and regulations; the accessibility of judicial and non-judicial mechanisms for people</p>

	affected by state and corporate actions; and the extent to which corporate influence affects both legal frameworks and enforcement. Finally, no matter which system the Bank decides to apply, delegating responsibilities to the recipients countries will not absolve the Bank of its own human rights responsibilities. As an institution the Bank remains responsible for what it provides funds to. The Bank's responsibility exists regardless of what the country does or does not do.
	The idea of using national systems is welcome, because the application of both national laws and the Bank's safeguard policies can result in project implementation difficulties (e.g., problems with terminology, duplication of processes). Nonetheless, the Bank needs to respond to the need to strengthen institutional capacity, mainly at the regional and local levels. As part of the institutional strengthening program, the Bank could support the review of regulatory frameworks, and the preparation of guides, manuals and guidelines. Institutional support should be provided on a more generalized basis and not only focused on the specific project.
	During implementing of projects/programs that create risks and threats to the environment, or the rights and interests of people, priority should be given to those safeguard policies, whether national or the World Bank's, that have better protective mechanisms. When there is a discrepancy between Bank and national requirements, the stricter requirement should apply.
	Country systems will have to be evaluated on implementation. For example Lack of binding requirements on the land, territory and resource rights of Indigenous Peoples is a concern.
	Promote country ownership and strengthen country systems, but clarify the roadmap for strengthening and using country systems, with transparent, accountable, predictable and common benchmarks and greater support. It is possible that in some low-risk cases relying on national systems would be more efficient. However, in other cases relying on national systems may result in a much slower process. Using country systems is a long-term process, needs many resources, a lot of thought, and it is not a fast solution.
	There is a need to make a global assessment of country systems based on legislative and constitutional developments and adapting to local social circumstances, environmental and political. The ideal would be to adopt a policy framework flexible backup, varying the level of performance of country systems
	Relax the connection between the principles and procedures to allow procedural flexibility. Countries and projects should be treated on their merit. If the country has adequate regulations it should not be treated the same as countries with weak regulations.
	In terms of safeguard policies, the Bank should follow an inclusive approach that responds to the needs of all the countries in which it is active. However, these policies must also be consistent with the national legislation of related countries.
	Institutionalizing minimum acceptable thresholds for conformance/compliance with environmental and social safeguards is necessary. Streamlining of Bank/donor policies with the country safeguard systems is needed.
	Where Bank-supported projects would entail the use of borrower country systems, it is important that the Bank evaluate the equivalency and acceptability of the country system, assess technical capacity, and assist the borrower in developing an action plan. In all cases, the Bank should retain monitoring and supervision responsibilities.
	The Use of Country Systems, OP 4.00, should be converted to a review of the country-wide system of human environment and human condition laws, regulations, and implementation processes. In other words, the OP 4.00 needs to be a straight forward

	“Strategic Environmental and Social Assessment (SESA)” for the client country in question.
	The correct and logical threshold by which Borrower systems should be assessed are the international laws and best practice, which should be reflected in Bank policies. This will assist borrower countries in progressively strengthening their own frameworks in line with international best practices.
	The use of country systems was a source of concern. Participants noted that this approach is focused on addressing compliance with country systems, and prioritizing the role and capacity of the borrower. However, for some participants there are risks involved in this approach since Vietnam’s systems for environmental and social safeguards are not up to the Bank’s required policy standards. Therefore, questions were raised as to how the Bank would address such risks. The policy review should identify ways to support and strengthen country systems to reach the Bank’s policy standards. The policy review should also clarify how non-compliance would be addressed in such cases.
	The Bank should recognize that the laws of the country and the related processes – e.g. environmental clearance, resettlement and wildlife law clearances - need also to be effectively implemented. In updating the safeguard policies, it is suggested to take into account the country context. For example, Chinese environmental and resettlement policies and regulations, over the past three decades of development, have become very comprehensive and many requirements are comparable to or even more stringent than those of the Bank. In such cases, the Bank may consider using country systems and focus on filling gaps if any. Repetition or duplication of effort should be avoided to the extent possible.
	Environmental and social issues should be included in the safeguards. The strategy should also take into account the socio-economic conditions of the various countries where the strategy will be used and the development trajectory of each country.
	The safeguards are characterized by rigidity in some cases and they need to be tailored within a flexible frame to fit and accommodate the social and environmental specificities of the various countries the Bank works with. In reviewing the policies, The Bank should consider carefully the discrepancies that exist between the Bank’s requirements and the legal national requirements. This normally results in reluctance on the part of Governmental officials to accept additional standards (the Bank’s) outside the national law.
Capacity building and sharing knowledge	Focus on more capacity building for implementing agencies on importance of safeguards and how to implement the policies effectively. Build institutional local/national capacity for policy implementation and provide technical assistance. Most countries have laws or norms in their constitutions, but are weaker in terms of how to operationalize laws and policies. Help build capacity on key issues, reward good performance on key safeguards issues, and promote legislative reform domestically.
	Devise a surveillance/warning mechanism that integrates the research and which will allow for the evaluation of environmental risks, conflicts of interest or other issues.
	There is a need for learning from the Bank’s methodologies, assessment systems and indicators, access to information and expertise. The Bank should consider how to disseminate best practices and experiences to wider audiences, for example, how safeguard policies are designed and implemented in hydropower projects. Participants noted that commercial banks in Vietnam have very limited experience with the design/implementation of social and environment safeguards, and that the Bank’s experiences and best practices/lesson learned in the operationalization of safeguards could be better disseminated.
	The Bank should promote training in the use of diagnostic tools and best practice developed by others, such as the United

	Nations Framework Convention on Climate Change (UNFCCC) reporting on climate change tools. The Bank could actively promote such tools and thereby improve advice it gives to borrowers.
	Social experts should be included in Environmental Assessment advisory panels. Risk categorization can be strengthened beyond a specific project. Revenue and contract transparency should be pursued and IFI lending disclosure requirements updated. Full details on purchase prices and buyers should be provided. Grievance mechanisms and post-project monitoring should be promoted.
	Capacity building in environmental and social management for project partners is a key requirement that the Bank should consider. There is a need for training and capacity building on issues related to project monitoring and evaluation, including various environmental and social indicators.
	The Bank should provide clear and early guidance, technical assistance, and training on implementing environmental and social safeguards for Bank staff, borrowers, procurement entities, contractors, workers, and trade unions. Instruction should include pricing and bidding guidelines and cover any important new policies.
	In many countries and also within the World Bank's own offices, lack of capacity has been highlighted as an issue. Results and outcomes will be enhanced where effective capacity is increased. As many countries currently do not have the capacity to adequately implement a safeguard system, there should be a phased approach to the use of country systems. To support this phased approach, the World Bank must work with national governments to increase their capacity in drafting laws and regulations, and it must engage with civil society during the impact assessment process.
	Safeguards should be considered not just as a means to prevent harm but as capacity-building instruments used to foster more positive results. To achieve these results, social and environmental considerations need to be "up-streamed," that is, considered at the beginning of project and program development, rather than after project and program parameters are set. An effective approach would be for the Bank to commit to building institutions that have capacity to carry out these efforts.
	Ensure that the experience and the best practices acquired by beneficiaries may be transferred to new projects that receive funding from other sources. Once they have become aware of and accustomed to the principles and the implementation of social and environmental safeguard policies, public institutions tend to incorporate them and to impose them in the Terms of Reference pertaining to subsequent activities. They also tend to extend them to projects that are funded either from their own budget or with help from other donors, which contributes to the dissemination and the achievement of a consistent practice regarding the enforcement of social and environmental safeguard policies. The Bank's role in this process is that of a catalyst and a leader.
	Training should also be provided for representatives of state bodies and the local population, focused on inclusive implementation practices. Local experts and practitioners could be involved to help achieve these objectives
	The Bank's safeguard policies are effective in addressing social impacts and bring benefits to affected people through project interventions. To make them more effective, the Bank should provide more training for Project Management Units (PMUs), and especially district land clearance committees to transfer knowledge and best practices. Participants noted that in Vietnam, district authorities are in charge of land clearance, and often have difficulties in following Bank policies. It was also noted that since implementing agencies often require a longer period of time to fully understand the Bank's safeguard policies, the Bank

	should consider sufficient lead time to plan training before project implementation.
	<p>In taking up a development project, capacity building is very important both at an individual as well as at an institutional level. The added value of working with the Bank is not just that the financial support comes with a long tenor but also the expertise that the Bank brings. The capacity building pertaining to social safeguards has two dimensions that have an impact on preparation and implementation of projects. While during the preparation, capacity building is valuable to get the people to understand the scope and objectives of the project, during implementation the focus should be to help understand what may be the process.</p> <p>All development projects should have a component for institutional capacity building. In fact, even when capacity-building is done at the project level, the learning and knowledge acquired tends to remain with the individual and the organization. Experience has shown that interventions aimed at building capacity to establish and maintain systems in a risk management framework have raised operational standards. Training initiatives for different sectors have helped to develop human resources qualitatively. Capacity building on audits has assisted in re-evaluating borrower systems and in upgrading in areas where improvement is needed. Technical assistance studies done under the Bank's aegis have helped in building organizational capacity and skill bases.</p>
	Provide guidance (capacity building and knowledge sharing) to local government on environmental assessment and environmental protection, and in addressing cross-cutting issues such as disability, gender, etc.
	Safeguard policies should be applied during project formulation, i.e., during the Detailed Project Report (DPR) preparation stages. Issues frequently become confused if DPR consultants engage in safeguard processes without assistance from safeguard consultants. Consultants should be in place before the DPR preparation, with clear descriptions of consultant roles and responsibilities. If not, during the operational stage, the environmental assessment, environmental management plans and resettlement and rehabilitation may encounter problems. The core project work runs very smoothly when the safeguard team is in the project unit before the DPR is prepared. This is the best way to move forward smoothly.
	<p>Civil Society is a very important actor in getting the laws implemented in any country. Supporting active citizenry in countries should be a focus of the Bank.</p> <p>Support civil society to make it stronger, better qualified, and more independent (especially financially) in order to achieve results.</p>
	<p>To better implement the free, prior, informed consent of the Indigenous Peoples, issues on capacity building should be addressed.</p> <p>World Bank technical staff should be trained on disability issues (definition, measurement, diversity of disability, barriers to functioning and participation, policies and programs, mainstreaming) as well as the CRPD principles.</p> <p>Guidance. Extensive guidance on human rights issues in the context of development projects is necessary to ensure that upholding safeguards or human rights standards does not become a matter of "checking the box."</p> <p>Capacity. Lack of compliance with human rights treaties may be an issue of low capacity. The World Bank could help build this capacity through ensuring that its safeguards policies are in line (adequately reflects and explicitly refer to) with human rights law and standards. It is important for the World Bank to support governments to build up capacity for environmental and human rights protection and social development.</p>

Effective accountability and grievance mechanisms	The accountability system needs to be strengthened to allow for a systematic analysis of whether the safeguards are being complied with.
	There should be a third party grievance redress mechanism. This should be a clearly described forum with enforcement capacity and the ability to resolve issues in a timely manner. It should have the power to issue and implement orders as required by the affected party.
	The framework would need to effectively encompass issues of implementation and compliance with social and environmental safeguards and the role of the Inspection Panel in that.
	Need transparent grievance mechanisms. The Southern transport system under the ADB had a grievance mechanism but it was not transparent. Some people were very well compensated but some people still have not got compensation.
	It will be important to broaden the safeguards to include other important potential impacts of Bank projects. Put in place some more expeditious procedures than the Inspection Panel, but retain the latter.
	Without an enforceable right to remedy, there is no real accountability. The new policy should guarantee the right to an effective remedy, including the right to reparations, for people who have suffered human rights violations and other harms. Should be stipulated in loan agreements, with mechanism in place to address instances where borrower is unwilling to provide remedy.
	Safeguards should be specific to ensure that a grievance mechanism and remedies are as effective as possible. They must be mandatory, they must be detailed and fall within the jurisdiction of the Inspection Panel. It's very important in order for safeguards to be effective that they are not turned into voluntary guidance. A broader scope of safeguards (to include labor, gender, human rights, etc.) needs to fall under jurisdiction of Inspection Panel with clear guidelines for how to submit grievances.
	The Bank should develop an enforceable right to remedy as part of the Safeguards review and update. When governments are non-cooperative, the Bank should be able to lean on them to address grievances and implement remedies, or there should be ways for the Bank to compensate the aggrieved unilaterally. Even if there are no clear proposals yet on how to develop meaningful compensation for aggrieved parties, the right to remedy should be clearly stipulated in the new framework. This is a question of the Bank's accountability.
	There is need for a veto mechanism to ensure that projects do not continue with negative impacts; it should be possible to review projects as implementation proceeds and actual rather than predicted impacts occur.
	The "grievance on paper" which the Bank requires to be mentioned does not always reflect "actual grievances". Furthermore, the time lost in identifying grievances on paper constitutes an obstacle to timely completion of projects. When easements are involved in expropriation, for instance, different types of studies need to be conducted to identify actual grievances.
	Safeguard policies and procedures should be binding and sufficiently detailed to allow the Inspection Panel – the World Bank's grievance mechanism – to review their implementation. The safeguard review must result in strengthened public accountability of the Bank. People affected by all types of Bank investments should have full access to information, participation in decision-making, and access to redress. Prior to deciding on investments, the Bank should ensure that all who are involved in implementing the investment are aware of their responsibilities

	to respect human rights and the environment. The final policies must provide sufficient detail to allow the Inspection Panel to assess compliance and ensure meaningful redress for affected communities.
	Agile and effective complaints and grievance mechanisms need to be established early in the project cycle to enable rapid correction of implementation flaws, including inadequate screening, inaccurate social and environmental risk assessments and non-application of key policies. Agile corrective and remedial mechanisms need to be built into the integrated safeguard implementation process whereby affected individuals, communities and peoples can access project staff and remedial measures for harm caused and prevent additional harms. Such mechanisms must be established early in the project formulation to ensure that categorization and policy triggers in the screening phase can be appealed where necessary.
	The Bank should improve its systems and instruments that support accountability and grievance redress. Moreover, it should seek greater symmetry in the structure of WBG accountability and grievance redress mechanisms. For the World Bank this would entail creation of a grievance redress and conflict resolution mechanism to complement the IPN.
	Strengthen implementation through a full project performance management system, that includes social and environmental indicators. If failures are identified, the Bank seeks corrective measures to ensure compliance. The borrower or client must establish a Grievance Redress Mechanism to facilitate resolution of affected people's concerns and grievances, using a transparent process that is gender responsive, culturally appropriate and accessible.
	Compliance, sanctions, and grievance mechanisms. The World Bank might consider not funding projects that are likely to violate or contribute to the violations of international human rights standards and avoid the danger of being associated with human rights violations. The potential human rights impacts of projects would need to be identified during the upstream phase of the project and continuously monitored by the Bank. Any policy addressing human rights issues would have to include grievance mechanisms and allow affected communities to address the Inspection Panel.
	The current policies have weak enforcement that prevents many people from being involved. The new safeguard policies should be easier and more convenient to use.
Principle-based approach	Is the thrust or ambition of the Safeguards review and update to move from a "do no harm" approach towards "doing good"? Presumably, the eventual framework should be neither overly prescriptive nor purely risk-management in approach; differentiated approaches could be necessary depending on the sector or area. There should be strong "high-level principles" that would need to be respected, as well as scope for prescription when in-depth analyses indicate that this is necessary.
	The operational case for updating the Safeguard Policies is evident to bilateral agencies working, with the Bank or independently, to deliver complex investments in developing countries. Some agencies are reviewing their own policies internally, and a common or joint upgrading of agencies' safeguard policies might have been envisaged to ensure that policies were coordinated and/or consistent among partners.
	The Bank should develop a generally applicable framework and principles, leaving the country to choose its own format of reporting. If a client country has comprehensive safeguard policies, country systems should be used and the Bank review should be combined with the client country's review process through, for example, participation of Bank experts in the domestic review process, to avoid conflicting decisions
	A system such as that of the IFC is considered more appropriate, as it is more oriented towards principles that must be respected

	and more flexible in its procedures.
	In updating the safeguard policies, the Bank may consider simplifying work and stating general principles at the preparation stage. The Bank then should strengthen supervision at the implementation stage and check whether these principles have been met in preparing and implementing relevant action plans.
	Ensure that the safeguards are principles-based and simple, to ensure they are understood by all stakeholders and result in a focus on substance over process. Being less compliance-orientated would also help reduce 'box-checking' and encourage innovation in program design and implementation.
	Achieve a better balance between flexibility and prescription. May entail some shift away from the current emphasis on prescribed procedures towards a more principle based approach.
APPROPRIATE Resourcing Plans	Aspects of the environmental and social safeguard policies that the Bank can improve to ensure that these policies continue to be an effective and efficient tool to achieve sustainable development and results on the ground... Adequate staffing and budgets for both preparation and supervision are needed.
	Agencies find it difficult in the preparatory stage to mobilize the resources needed to fund all of the necessary studies, including those for safeguards. This could be critical. The situation is further complicated when provinces, in order to participate in a given project, are required to carry out these studies (in which case, the responsibility for funding project preparation is transferred to them). There should be operators responsible for developing baseline studies, and this should be provided for in the safeguards.
	Costs associated with safeguards should therefore either be removed from the economic assessment or alternatively, impact mitigation and the cost of benefit enhancement measures should be internalized. Usually, the economic assessment takes account of direct costs; occasionally and at most, avoided costs are also taken into account. However, attention should also be given to benefits; for example, health benefits as a result of the installation of a sewage system. Furthermore, if a vulnerable group benefits from the implementation of a project, this should also give rise to a differential valuation, thus closing the economic equation.
	Use loan to support preparation of safeguard documents at preparation and support external monitoring during implementation.
	Strengthen impact assessment and safeguard implementation. In addition to the social and environmental provisions required for strong and comprehensive safeguards, achieving positive outcomes requires that these safeguards be effectively implemented and supervised. It is pivotal that investments with both direct and indirect impacts on natural habitats trigger the relevant safeguards; that safeguards are comprehensively applied, monitored, and verified; and relevant information is publicly disclosed in a timely manner.
	The Bank should assign responsibility and budget for safeguards oversight and reporting to environmental and social units in each operational region—in line with IFC practice—in place of the delegation of safeguards processing and supervision to sector management units. Also, the Bank could introduce a certification program to expand the pool of staff qualified to undertake social and environmental preparation and supervision, as well as provide orientation training on environmental and social sustainability to all task team leaders.
	Appropriate resourcing plans and budgeting requirements need to be built in to the new architecture of the proposed future safeguard policy approach

	Social and environmental safeguard planning should regularly occur, including assessment of and allocation of resources for staff hires, staff training and allocation of staff hours according to projected safeguard needs
	It is important to establish a specific amount under the project for environmental protection and for monitoring the implementation of the environmental assessment
	Ensure that policies provide means to identify and manage risks, and citizen-driven accountability helps to enable risk-taking by providing a safety net for affected people in the event that risks materialize.
Risk management Cumulative impacts approach	The World Bank can more effectively manage increased tensions over water demands among multiple river basin users by adopting a cumulative impacts approach to risk management in its Operational Policies and Bank Procedures.
	The safeguards review should result in comprehensive, effective, and consistent risk management in all stages of the lending cycle, ensuring greater relevance to a more diversified World Bank lending portfolio.
	Monitoring and evaluation of the Risk Management Plan with an eye to identifying further emerging risks associated with the implementation of projects, as well as monitoring and evaluation aimed at safeguarding proper implementation of the risk mitigation measures.
	Ensure to strengthen risk management by strengthening the integrated information system (e.g. parametric insurance.)
	Guidelines look great on paper, but can fail in implementation. This is due to insufficient risk assessment before, during, and after the project. Little is being done to protect natural resources in terms of early and adequate risk assessment and monitoring.
	The main improvement should be in the way risks are managed. Bottlenecks should be better analyzed. The current system seems to put more emphasis on the upstream (preparation) than the downstream (implementation). Crowding out major development opportunities because of legalistic and procedural issues should be avoided. The Bank is encouraged to focus on managing risks and achieving good results with confirmed development impact over time. The value added of the Bank is to seek improvements by engagement, notably in difficult and contested contexts, and not to stand by. However, upstream efforts should not be neglected. Also, reputational risks have to be considered and taken into account. Stringent transparency requirements and the recourse system should hold the Bank and clients accountable. Effective M&E systems are crucial in this respect. A particular focus should be placed on fiduciary risks.
Clear roles and responsibilities	Describe how the distinct roles of the Bank and the borrower to clarify the responsibilities of both parties in all policies.
	Clear commitments are needed between central and local governments, and clearer roles and responsibilities of the Bank and the governments need to be established.
	The effectiveness of the policy will depend on diligent implementation. Mandatory requirements to hold staff and implementing agencies accountable are needed. Policies must go accompanied with language about financial obligations and budgetary allocation as well.
	The Bank must also take into account governance risks when considering the potential for social and environmental harm from natural resource-related interventions. It is imperative that the Bank retain responsibility for supervision and oversight of safeguards, limit the devolution of responsibility to borrowers or independent forest certification systems— particularly in cases

	of weak governance. To facilitate such responsibility and oversight of forest and natural habitat-related projects, the Bank must have ample, dedicated staff with expertise in forests and natural habitats.
Staff incentives	Changes to the Bank's incentive structure are needed. The Safeguard Policies Review and Update should explore how to better align Bank staffing requirements and incentives for the environmental and social assessment priorities of the future, considering the state of high staff turnover and declining average levels of in-house safeguard experience. Performance evaluations should transparently reward quality of operation outcomes or impacts in addition to volume of lending approvals. The requirements governing the use of third party, independent monitoring mechanisms should be clarified.
	To ensure effective implementation of the safeguards framework, the current review process should examine alternative staff performance and incentive structures in order to ensure greater adherence to the safeguards in all project phases. A comprehensive review of staff incentives is needed, in tandem with the review of safeguard policy content. Open and transparent review and reform of staff incentives, including staffing rules and regulations for sanctions or discipline for failures to apply and implement safeguards effectively. This needs to include a review of the management of budgets related to the implementation of safeguards, placing the authority to allocate such resources in the hands of staff incentivized to push for strong safeguard outcomes and not simply resource efficiency.
	Change the staff incentive system so as to make it rewardable for Bank staff to implement safeguards effectively in projects. Consider employing more safeguards experts who can influence poorly designed projects/safeguards. Build more ways to work together (e.g., working groups) to build relationships, and find solutions. Use safeguards to avoid lending legitimacy to projects/governments that run afoul of international law/standards and best practices. Align key definitions with other standards (e.g., critical natural habitats/IFC PSG).
<i>Strengthen Consultation and Participation Mechanisms</i>	The Bank should further consultations at the level of communities, ensuring that information to communities is more accessible and involving communities in project implementation. He mentioned the case of land cadastre project in Izabal, where indigenous peoples were not a land registry, or had access to the report of the cadastros. It was also mentioned that the Bank would receive reports from the government and not visit the communities and that the World Bank should make queries independently of the state. Consultations with local communities must be mandatory.
	The safeguard consultation requirements are important and should be tools that provide opportunities for local communities to be part of the development process. Project design should pay the maximum level of attention to the comprehensiveness and integration of the various activities and voices to ensure that no local community groups are marginalized, in particular with regard to benefits. However, in implementing consultation, the Bank should be attentive to the fact that sometimes, powerful individuals with different interests might complain or push public consultations to stop a project simply because their voices are louder. The issue of representativeness should be taken into serious consideration.
	Consultations should be carried out at three levels: national, provincial and local level and that should be made in the design stage of the project and when the project is determined. In addition, it was suggested that a wider consultation by electronic participation where people can express their views when presented the portfolio, since the population is the one paying the loans purchased by the government.
	During implementation of environmental projects/social assessment policies, local NGOs, people, and civic groups should be

	involved. Their opinion and feedback should be considered and consultations conducted.
	Publish the drafts of strategy and key project documents for a defined comment period to ensure civic participation and substantive exchange with civil society, publish comments received (with consent of the interveners), and provide comments to the Board of Executive Directors.
	Transparency and consultation mechanisms need to be strengthened. It is very important to have public discussions in order to guarantee involvement of all stakeholders; project documents should be sent to stakeholders ahead of time; their suggestions and recommendations regarding the project should be taken into account and the revised documentation showing how those suggestions have been incorporated should be provided to stakeholders before their publication so that stakeholders can respond appropriately. Informing the population beforehand is very important.
	For the process to be meaningful, the Bank should consult with project affected communities and seek views from people who don't live in urban settings. Better public dissemination of the consultations is needed. People need to be informed before they join the consultations and made aware of the purpose of the consultations and what they are being asked to contribute. Locations for consultations should be places where people feel comfortable. A space where everyone can easily attend should be provided. Public hearings where everyone is invited should be considered. Other languages should be used to reach different constituency groups. Wider participation especially from stakeholders affected by Bank funded projects and from stakeholders who are familiar with development should be ensured.
	A general lack of proper and 'meaningful' consultation. There is a confusion due to wildly different consultation vs. consent standards among multilateral development banks. Organizing meetings, workshops of 2-3 hours, is mistakenly called consultation. Information does not reach impacted communities; groups of people are being excluded from development process (i.e., persons with disabilities) and the process is not always transparent.
	Strengthen the engagement with vulnerable, voiceless groups, groups that are displaced from their territories, promote early stage citizen participation and enhance consultation with partners at country/local levels. There should be a more interactive platform for sharing information with civil society on the ground.
	There is a need for systematic integration of persons with disability in Bank projects. A first step to do so is to make sure that everything the Bank does in terms of consultation processes and operations is accessible and based on the indicators of inclusive development.
	The Bank could assess the extent to which communities have freedom to express dissent and in cases of lack of freedom of expression, the Bank cannot adequately ensure proper consultation and participation.
	Legislation on consultation can be applied in order to fulfill the requirement to hold prior consultations in project implementation, but institutional capacities need to be strengthened. This could be done through guidelines allowing for citizen participation throughout the process. Such guidelines should specify the requirements needed in cases where prior consultation is held in zones where most of the population is indigenous.
	The safeguards should promote/improve/increase participation of stakeholders in projects; not only through consultation during the preparatory stage, but throughout the entire implementation cycle. This would allow for enhanced effectiveness, efficiency and transparency in the Bank's operations (utilization of monies from loans, terms, etc.). The Bank has the authority to demand

	the incorporation of certain clauses in contracts, bidding documents, etc., to ensure citizen participation in project implementation. It should earmark funds specifically for this purpose in the project budgets, rather than transferring the costs to civil society.
	When consultations with civil society and local populations are imposed in the preparation of a project, make sure that it is an effective consultation and not an information meeting (it depends on the level of awareness / involvement of local populations)
	Special measures must be taken to include disabled groups at the local level in the consultation process, because they generally have no access to their Ministries of Finance and other relevant Bank counterparts, and are often neither inclined nor organized to participate actively in consultations.
	The consultation process is essential from the initiation of the project. Stakeholders views should be taken into account regarding the proposed development and expected benefits. Announcements for public consultations are not always adequate. For example, announcements in newspapers are often not very clear.
	National legislation lacks key consultation requirements for project affected people (PAPs). The Bank should require prior consultation and consent. National legislation in Egypt only requires that the population to be displaced be "informed". Involuntary resettlement should be participatory and require consent. Consultation alone is not sufficient; consent should be reached with PAPs. Consultation is often pro forma, and is widely dominated by governmental officials, elite males and those who are well connected and have strong connections with government. OP 4.12 should state the various categories to be represented and the need to engage various groups, including women, disabled, etc.
	It is important to consider how the Bank can ensure that consultations are held with people representing various groups of stakeholders. The Bank should consider allowing people to provide feedback throughout the project.
	The results of the consultations should be made binding on the project and the Bank should ensure that recommendations resulting from consultations are taken into consideration and followed up on. The Bank should also check to ensure that the consultations are done properly.
	The safeguard consultation requirements are important and should be tools that provide opportunities for local communities to be part of the development process. Project design should pay the maximum level of attention to the comprehensiveness and integration of the various activities and voices to ensure that no local community groups are marginalized, in particular with regard to benefits. However, in implementing consultation, the Bank should be attentive to the fact that sometimes, powerful individuals with different interests might complain or push public consultations to stop a project simply because their voices are louder. The issue of representativeness should be taken into serious consideration.
	The Environmental Impact Assessment study should be subject to discussions by elected popular institutions and approved through those elected boards according to standards of integrity and transparency.
	Consultations should take place with representatives of the different sectors of civil society that have different expertise and focuses, so as to include organizations interested in human rights, in development issues, charitable organizations, etc.
	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

	<p>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.</p> <p>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.</p>
	<p>Several policies contain requirements for consultations with stakeholders affected by a Bank-financed project, and the preparation and conduct of consultations has often been subject of complaints coming to the Panel. While the requirement with respect to the purpose and intended outcome of consultations is different from one policy to the other, Panel investigations have found:</p> <ul style="list-style-type: none"> - Certain affected groups had fallen off the radar screen and were not included in the consultation process. This has been particularly critical when involving indigenous people, leading to lack of recognition of customary land rights. - Consultations failed to involve all relevant segments of the local community, such as traditional and informal leaders. - Lack of documentation on outcomes of consultations, which was especially important in documenting broad community support among indigenous groups. - Inadequate efforts to provide information in local languages to ensure meaningful consultation.
<i>Awareness building on safeguards</i>	<p>Ongoing focus on educating the various stakeholder groups with respect to social and environmental safeguard policies and their enforcement, so that all stakeholders may have the same understanding of the scope and application of such policies throughout the implementation of investment projects. Project budgets should reflect a real and concrete interest in educating stakeholders, as opposed to the current state, where such an interest is only verbal and optional. If project budgets adequately include such activities, public awareness will cease to be of secondary importance in such projects.</p>
	<p>Project stakeholders need to be educated to realize the benefits a project will provide. Sometimes, projects stimulate dreams that may or may not be realized. It is important to develop the baseline, and to sustain and improve on it. Projects should have small information centers – for example, in the context of lake remediation / restoration – so that people realize what has been achieved.</p>
	<p>The awareness of the population should be raised. There are many people whose property rights are violated when the state implements projects and they don't know what they can do about it.</p>
	<p>Mechanisms should be developed to inform the population about sustainable results of projects implemented worldwide, which successfully integrated environmental and social safeguard policies of the Bank in the lifecycle of the local population</p>
	<p>The World Bank should work to raise awareness of safeguard policies with government authorities and civil society. This work should skip sensitization was mainly to implementing agencies so that these safeguards policies know, recognize its importance and understand their responsibilities in implementing those policies and safeguards policies that are known and suitable for</p>

	borrowers and often remain only on paper.
	Educate communities about safeguard policies. People don't know the boundaries of reservations. So they resist projects saying encroaching reservation land when this is not the case.
	Explaining to people the cause and effect relationship in projects in the simplest way, using audio, visual and schematic tools, and giving them some lead time, could be useful for ensuring sufficient and real participation in meetings. One-day meetings are not sufficient to ensure participation; participation can be possible in meetings organized with a real intention of dialogue. Institutions must develop the necessary instruments and mechanisms within their own bodies to achieve this.
	In order to ensure that safeguard policies are better understood, it is important to also inform public agencies other than the central government (metropolitan municipalities and development agencies), since these institutions lack awareness about safeguard policies although they use a high amounts of funds. It could be useful for the Bank to explain the safeguards to other institutions, regardless of whether they use Bank loans, through a joint platform.
	Compliance with safeguard policies by contractors. Projects confront problems and difficulties in remedying noncompliance with social and environmental policies. Although the PMUs consider imposing fines on noncompliant contractors, there are often difficulties in enforcement. While contractors are improving their environmental and social performance, more communication is needed at the community level through consultation and local government participation. Public awareness of social and environmental issues also needs to be raised in order to improve compliance with these safeguard policies.
	The Bank should utilize active communication to disseminate information about the safeguard processes. The safeguards need to be shared in a timely fashion with the external affairs offices of the Bank to help them in disseminating the information about safeguards to the public.
	There is a pressing need for awareness raising and building the capacity of national authorities on the importance of safeguards and what is required by the policies, in particular OP 4.12. Certain requirements under the safeguards generate little interest and are taken lightly, particularly if they are not consistent with national laws (for example, it may not be clear why the interests of illegal street vendors should be taken into account, although under OP 4.12, any groups whose income and livelihoods will be impacted by a project must be addressed).
	In addition to the importance of the safeguard policies, attention should be paid to raising community awareness and mobilization. Such activities should be incorporated in project preparation and should be factors to ensure project readiness. Communication, awareness raising and outreach activities should be considered in project design to strengthen local communities' ownership for the project and minimize opportunities for conflict with a variety of local interests.
	Building knowledge and understanding on environmental and social policies (ESPs) is key. The Bank should raise awareness among client countries, politicians, and stakeholders on the political and economic benefits that arise from respecting the new integrated framework. It is also important to take into account the lessons learnt from the implementation of IFC's performance standards, as well as from existing DPLs and P4R projects. The new integrated framework will require a new mindset to learning from failure and mistakes with a positive system of correction.
	The Bank should proactively inform those likely to be affected by projects about its role, as investor in the project and assure itself that people are aware of the full potential impact of the project, have access to all relevant information and adequate time

	to understand and participate in the impact assessment process, and (if funding goes ahead) the development of any measures to avoid adverse impact. The Bank should also ensure that communities are made aware of the existing accountability mechanisms, such as the World Bank Inspection Panel, and how they can be accessed. This should not be left to the responsibility of the recipient government but done directly by the Bank.
	Project-affected communities Stronger and clearer policy language is required for informing affected communities of their rights and choices. Moreover, communities should be included in the design, planning, implementation, and monitoring process.
<i>Community involvement</i>	Should improve the efficiency of protection mechanisms as well as participation and decision making procedures that involve people affected by the project at the preparation, implementation and assessment stages of the project. Independent NGOs should participate formally (rather than informally) in decision making at all stages of the project, During implementation of environmental projects/social assessment policies, local NGOs, people, and civic groups should be involved. Their opinion and feedback should be considered and consultations conducted Involving the local community to be a part of the solution is a key to success for many projects. It is very important to have public discussions in order to guarantee involvement of all stakeholders; project documents should be sent to stakeholders ahead of time; their suggestions and recommendations regarding the project should be taken into account and the revised documentation showing how those suggestions have been incorporated should be provided to stakeholders before their publication so that stakeholders can respond appropriately. Informing the population beforehand is very important.
	Policies should reach the community level. On social safeguards, there is a need to zero down to minimize displacement. On EA, one aspect that is missing is the focus on urban slums. Also, the public interest litigation (PIL) mechanism in India is slow. A redress mechanism should be fast-tracked and time-bound.
	Civil society could participate in monitoring the implementation of the updated safeguard policies when they are completed.
	Include clauses in funding agreements between the World Bank and the borrowing country, requiring public to involve civil society in the design, especially in the implementation and monitoring of projects financed powers.
	Expand consultations not only to local communities living in protected areas, but also to the people whose presence in these places come from any migration.
	The Bank should have an explicit position concerning stakeholder participation (including local and indigenous communities, relevant NGOs, etc.) in project development. Public discussions on environmental impact assessment of all projects with the potential for such impact should be held from the early stages of project development.
	Tap into existing organizations, groups working with communities to ensure information is distributed to all parties. Work directly with representative institutions as authorities on expressing communities needs and human rights; ensure stronger representation of women. Offer citizens some measure of control over policy making.
	Legislation on consultation can be applied in order to fulfill the requirement to hold prior consultations in project implementation, but institutional capacities need to be strengthened. This could be done through guidelines allowing for citizen

	participation throughout the process. Such guidelines should specify the requirements needed in cases where prior consultation is held in zones where most of the population is indigenous.
	Ensure genuine and inclusive consultation with stakeholders and a feedback mechanism, i.e., the Bank should have a means of validating government agency reports, such as the absence of infrastructure for persons with disabilities in certain project locations.
	The safeguards should promote/improve/increase participation of stakeholders in projects; not only through consultation during the preparatory stage, but throughout the entire implementation cycle. This would allow for enhanced effectiveness, efficiency and transparency in the Bank's operations (utilization of monies from loans, terms, etc.). The Bank has the authority to demand the incorporation of certain clauses in contracts, bidding documents, etc., to ensure citizen participation in project implementation. It should earmark funds specifically for this purpose in the project budgets, rather than transferring the costs to civil society.
	Safeguards should also promote capacity building in institutions, especially for conducting effective consultation processes. Furthermore, safeguards should provide a framework for sound analysis of existing public policies at the site of the intervention (policies on natural resources, etc.). The nature of these policies should guarantee the viability of the project. Similarly, safeguards should serve to ensure that there is the necessary social license or democratic legitimacy to allow for the implementation of a project.
	The community should engage with safeguards to overcome current barriers to free access. Communities and general society should be informed of the existence of the CAO (Office of the Compliance Advisor Ombudsman) for the settlement of disputes.
	The civil society should not be involved in an advisory capacity, but also in decision-making on projects involving dimensions of social / environmental safeguards
	Familiarization with safeguards should also be strengthened among communities, beneficiaries and project affected people. More effective outreach to parliament and public figures at grassroots level should be included in these awareness raising efforts since a country is effectively run by parties, not bureaucrats. These efforts should include engagement with policy makers and law enforcers.
	Communications should be systematically integrated into all projects to ensure people with disabilities and hearing loss can understand what is happening and how they will be affected. Project-level communication is needed so they can be integrated, not just included. They should also be consulted as much as possible throughout the project planning process.
	Take all necessary measures to ensure that all members of affected communities have the opportunity to meaningfully participate throughout all stages of the development process, projects, or programs. Ensure that affected individuals and organizations, including civil society and marginalized groups, are able to meaningfully participate in crafting development agendas (including country partnership strategies and interim strategy notes), reforming policy, strategy documents, identifying, preparing, and carrying out projects, and in human rights impact assessments. Ensure that consultations are accessible, including accessible for people with disabilities.
	Women's economic empowerment. It is critical to support the economic empowerment of women in order to increase their bargaining power, and by extension, their voice and agency. Project consultations should include those who will be affected by

	the project and not simply the head of household to ensure impacts are felt where intended.
	The policies should contain clear specifications for ensuring that consultations and the participatory planning process are carried out by groups/individuals that will not make affected communities feel pressured or coerced and who do not have a conflict of interest. Local communities should be involved throughout the process of project planning, implementation, monitoring, and the identification of critical natural habitats.
	Suggest to create a council to monitor safeguards in each country to ensure compliance with safeguard policies and the implementation of these policies is not just the responsibility of the World Bank, but also the government. This advice should be inclusive and involve government, civil society and private sector. He said that the Bank can be a major player to activate this process of coordination between these three actors
	Give emphasis to strengthening “voice”, particularly for women and other vulnerable groups.
MORE ROBUST Assessments	The World Bank should develop an environmental profile of each country, as a kind of roadmap.
	The new World Bank safeguard policies framework should have more robust guidance on social assessment and stakeholder engagement (similar to IFC’s PS7, which builds on the broader principles in Performance Standard 1 (PS1)).
	If the ESIA process is launched before project design is complete, it is important to adjust the timeframe so that the needed information is available to ensure comprehensiveness and completeness of the studies. This would help avoid the limitations and uncertainties in preparation of the ESIA, the RPF and RAP.
	Emphasis should be placed on strategic environmental assessment and evaluation of cumulative impacts. This could include the identification and evaluation of impacts on human rights.
	Outcomes should be effective. Quarterly assessment, more evaluation, mid-term review and other monitoring should be more rigorous.
	Develop cumulative impact assessments. Many projects are implemented in the same eco system but we don’t have a cumulative impact assessment.
	Environmental Impact Assessments are not consistent in terms of scope or quality. There is lack of guidance and maximum discretion applied to defining a project’s area of influence. There are different standards applied to activities on the ground with comparable risks. Social assessment is done by consultants without sufficient capacity.
	A Displacement and Resettlement Risk and Impact Assessment should be conducted prior to project approval; such an assessment should be conducted with full participation of affected people. Adequate housing should be guaranteed after resettlement and to ensure this objective is met, the policy should contain the following requirements: provision of a minimum amount of monetary compensation that is sufficient to access alternative adequate housing OR provision of adequate housing, according to the preference of the household.
	An adequate budget and financing for resettlement should be based on a sound economic analysis. The budget must be based on Resettlement Risks and Impact Assessment and sound economic analysis conducted by Bank project economists.
	Requirements and quality standards for cumulative impact assessments (CIAs) should be clarified, for example, as a pre-requisite for the construction of any large dam in either a regional power pool or a river with multiple planned projects, including cascade

	dams and multiple reservoirs. CIAs must necessarily include the impacts of associated facilities and transmission lines. The IFC's recent guidance on cumulative impacts is not an acceptable approach to strengthening cumulative impact.
	Need to strengthen monitoring systems for the impact assessment. The assessment should include a full assessment and evaluation of natural capital, including environmental, social, economic, political elements. Look at improving monitoring, evaluation, and baseline determinations, and tools for this area. Consider participatory mapping for natural habitats. Look at options for renewable energies, adaptation and climate resilience. The World Bank should verify the quality of impact studies on the environment and ensure that they comply with international standards, in addition to the validation of the Department of Environment of Morocco
	Important to conduct a political economy analysis to see where the landmines may lie in terms of compliance with safeguards. WBI has put a lot of thinking into formulating a political economy analysis framework for the Bank which can be useful in these cases. UNDP's, which was developed in Oslo, is similar but puts more emphasis on a stakeholder analysis as a means to identify like-minded stakeholders who can engage in collective action (and act as watchdogs for safeguard compliance, for example) and formulate risk mitigation strategies. It is available at http://www.undp.org/content/undp/en/home/librarypage/democratic-governance/oslo_governance_centre/Institutional_and_Context_Analysis_Guidance_Note/ .
	The definition of impact tends to be ambiguous. People knowledgeable about environmental impact and preservation should be more involved to address these issues so that the Safeguard Policies are not diluted and become more effective. Environmental impact needs to be more clearly defined, including who will be impacted.
	ESIA studies, in some cases, are not comprehensive enough. Certain ESIA's are accepted even when the impacts cited are not quantified and the potential damage and loss that local communities are predicted to encounter is not properly assessed. In such cases, CSOs have to step in and follow up on the impacts and push for the rights of the affected population. The ESIA should examine alternatives, including location alternatives and the alternatives related to the potential associated costs and losses. Variation in ESIA quality is an important issue; there are no clear standards for ESIA quality or for ranking the submitted report. The quality is largely subjective and left to the judgment of the reviewer of the studies.
	There is a need to upstream environmental and social aspects of development in early design of the Country Assistance Strategy.
Improve efficiency	It is important to assess overall efficiency, especially of infrastructure projects. Bank should improve the efficiency of protection mechanisms as well as participation and decision making procedures that involve people affected by the project at the preparation, implementation and assessment stages of the project
	There should be new, clear and more effective Bank guidelines to facilitate project implementation and communication with governments. The guidelines should be user-friendly and operational, for donors, recipients and those contracted. Furthermore it should be noted that not all government agencies have the authority to enforce the guidelines.
	The Bank should reduce the procedures that slow down the process, by demonstrating confidence in the agencies with which it works, and should address country practices with a more flexible approach after reviewing country legislation.
	Frameworks and objectives should be clearly presented to avoid overloading borrowers and minimize the potential for project dysfunction.
	The plethora of practical guidelines for staff should be integrated into a single comprehensive framework, applicable to all Bank

	activities.
	Develop comprehensive supporting materials and guidance and make it so that any person with a basic undergraduate degree in language arts can understand how to use safeguards. Ensure that the application of clear standards to all Bank activities provides consistency and clarity for borrowers and sets example for all lenders. The integrated framework should include mandatory procedures or binding guidance. Give priority to making sure policies are implemented.
	Define key terms in the safeguards, such as poverty and household. Expand definition of full-costing and pricing of all externalities.
	Bank should have clear, detailed template for Environmental Impact Assessments for consultants.
	Safeguard policies must be simplified so that they can be implemented. Practical guidance on how to apply safeguards and standards will be helpful. The new Safeguard Policies should be easier and more convenient to use.
	There should be new, clear and more effective Bank guidelines to facilitate project implementation and communication with governments. The guidelines should be user-friendly and operational, for donors, recipients and those contracted. Furthermore it should be noted that not all government agencies have the authority to enforce the guidelines.
	Set clear standards. Have more clarity between principles, policy and procedures. In updating the safeguard policies, the Bank may consider simplifying work and stating general principles at the preparation stage. The Bank then should strengthen supervision at the implementation stage and check whether these principles have been met in preparing and implementing relevant action plans.
	Clarify financial intermediaries language to ensure policy requirements and obligations.
	There is a need to for training on reporting, in terms of language and content of Bank requirements. During the reporting process, writing reports in Turkish until the “no objection” is received, and then translating them into English under the guidance of the Bank after obtaining the “no objection” could be a solution.
Effectiveness and flexibility	Objective is to strengthen the effectiveness of the safeguards “not” strengthen the safeguards. Focus on outcomes – not process outcomes
	Presumably, the eventual framework should be neither overly prescriptive nor purely risk-management in approach; differentiated approaches could be necessary depending on the sector or area. There should be strong “high-level principles” that would need to be respected, as well as scope for prescription when in-depth analyses indicate that this is necessary.
	The Bank should balance the tradeoff between development and protection. Safeguards are not meant to impede or limit development but to mitigate its negative impacts, since every project has risks. The Bank should have more policy and guidance on remediation than prevention.
	The Bank safeguards should not be one-for-all, but tailored to each project.
	In joint work, there should be mandatory application of Bank safeguards by the borrowers, and subsequent compliance monitoring after project completion. The standards and measures should be a “living body” rather than something legally enshrined.
	Bank safeguard policies should become a public good, and lead the way in respect to international environmental and social

	standards. At the same time, they should remain flexible, allowing application at the national level and facilitating the establishment of country systems.
	Stress the collaboration between staff in borrower governments and at the Bank to come up with solutions for local problems. Identify clear standards that are applied consistently to activities on the ground, regardless of the approach used to “move money.”
	Greater flexibility is needed in procedures for implementing safeguards, so as to maximize benefits without inhibiting or complicating project implementation.
	A system such as that of the IFC is considered more appropriate, as it is more oriented towards principles that must be respected and more flexible in its procedures.
	There should be more flexible backup policies without weakening (especially anything related land and compensation of employees); for emerging issues, it would be useful to integrate them across all the policies in place in order to streamline the topics covered by the safeguard policies.
	Relax the connection between the principles and procedures to allow procedural flexibility. Countries and projects should be treated on their merit. If the country has adequate regulations it should not be treated the same as countries with weak regulations. WB should be more flexible in applying safeguard policies.
	In the integrated framework, greater flexibility should be given to countries based on the country’s context, laws and institutional frameworks.
	The Bank may consider setting a bottom line for safeguard compliance and be more flexible, by taking into account country context and capacity differences in different areas.
	The safeguards are characterized by rigidity in some cases and they need to be tailored within a flexible frame to fit and accommodate the social and environmental specificities of the various countries the Bank works with. In reviewing the policies, The Bank should consider carefully the discrepancies that exist between the Bank's requirements and the legal national requirements.
FOCUS AND Improve implementation, monitoring, supervision and evaluation	It is important to shift the focus from the preparation of safeguards documents for the implementation of policies. Safeguards instruments are not known by the counterparty or by the beneficiaries and fall many times as an attachment to key project documents. In addition, the instruments are weak in regard to the mechanisms of implementation and lack transparency.
	Environment and social planning instruments are important; Safeguards should be included on the planning level and measures taken to ensure that Safeguards are implemented concomitantly with project progress.
	It is recommended that loans finance a contingency fund to be used in the event of noncompliance with social and environmental safeguards. The Bank is also asked to be more diligent in reporting cases of noncompliance with social and environmental safeguards. Lastly, it is recommended that the Bank create spaces in this consultation process for a more in-depth discussion of more technical issues and operational mechanisms.

	Not enough emphasis on implementation. Shift focus on implementation rather than documentation. Need new guidelines giving due attention to implementation aspects and implementation difficulties, as it is not possible to foresee all outcomes before a Project is implemented.
	Strengthening implementation of the RAP is required. Preparation of micro-plans requires a clear proforma / formats. Also, training on micro-plans should be provided to NGOs supporting their preparation and implementation.
	To implement safeguard policies more effectively, new tools need to be considered, such as green industry, green economy, life-cycle analysis, ecological footprint, carbon footprint, etc.
	The greatest challenge we face is in implementing the policies. In going forward with the review, the Bank should address policy implementability. Strong implementation mechanisms are required. Capacity building is also a major need. Progressive policies and practices in both the Bank and the country are required, along with greater awareness. Much more than strengthening the baseline, indicators should be used for implementation and evaluation.
	Because the emphasis is on the preparation of projects rather than on implementation, safeguards are not fully implemented.
	There needs to be a strong link between safeguards and results and application/attention to safeguards throughout the project cycle rather than just during preparatory phases.
	The reality of project implementation experience shows that immediately after an accident that has damaged the environment or communities, things are done properly but a few weeks later, things revert to their previous state. Therefore, severe provisions have to be introduced so that the aspects related to the protection of the environment no longer depend on the degree of awareness; instead, they should become mandatory.
	The set of indicators that measure the impact/success of projects/programs should also include indicators that are specifically relevant for the implementation of social and environmental safeguard policies, both in current and emerging fields. There should also be an implementation plan, reporting requirements, as well as requirements concerning the timeline and the costs associated with the implementation of safeguard policies.
	The Bank should establish mechanisms for monitoring and evaluating implementation of safeguard policies. It was also mentioned that the World Bank should establish a mechanism for driving and punish those institutions that do not comply with safeguard policies and compliance monitoring that should be done by a neutral third party to avoid disagreements between the Bank and the government. It was suggested the creation of a council to monitor safeguards in each country to ensure compliance with safeguard policies and the implementation of these policies is not just the responsibility of the World Bank, but also the government. This advice should be inclusive and involve government, civil society and private sector.
	Independent evaluation mechanisms need to be created on the traditional landholding process. Independent justice administration mechanisms need to be promoted at the national level to deal with conflicts relating to the landholding process and give the population legal defense mechanisms.
	The Bank should take more responsibility for auditing, analyzing expenditures, and monitoring the efficiency of projects/programs at all stages of implementation.
	The role of the Bank in the supervision phase, ranging from large investment loans to small grants, should be strengthened. It

	would help to review the role played by the Bank in past projects that have proven conflictive and have generated a negative social and/or environmental impact. Lessons need to be learnt from the experience of the IFC in Yanachocha and the Bank in the National Agricultural Innovation Project (NAIP). Projects need to be analyzed in terms of national strategy.
	A monitoring system should be set up to identify how many contracts have been terminated owing to noncompliance with safeguards, and to broaden the range of sanctions that exist in the event of noncompliance.
	Progressive policies and practices in both the Bank and the country are required, along with greater awareness. Much more than strengthening the baseline, indicators should be used for implementation and evaluation. To address the governance deficit experienced in many projects on the ground the new policies will have to find a system to better monitor implementation and address issues as they arise. Impact of projects should be monitored strictly, continuously and in a highly detailed manner.
	Development impact measurement and incentives. The safeguards' effects on development outcomes should be measured and Bank staff should be incentivized to apply safeguards effectively and maximize positive development outcomes from their work.
	Control and monitoring of planned activities is important as the quality of environmental impact documents is usually much better than their implementation. Both the Bank and the country should work on improving the monitoring process.
	Civil society could participate in monitoring implementation of the updated safeguard policies when they are completed.
	It should be possible to include monitoring in the technical assistance component of projects and the monitoring should be undertaken by the Bank. However, third party monitoring could create certain difficulties, for example, when monitoring functions are assumed by journalists or local community representatives, etc.
	Assign adequate budget and staff to enable appropriate monitoring and implementing of the Safeguards.
	In many cases, country governments and counterpart agencies lack capacity, monitoring systems and evaluation systems. In the case of EIAs, required verification missions and public consultations may not have been undertaken or audited by government agencies. The importance of the rigour in the preventive measures in the Bank's safeguards is particularly evident since the material (on past complaints) presented by the Bank shows that when a complaint is subsequently brought forward then the likely outcome will be a negotiated compensation rather than rectifying the damage through rejecting a project or backtracking it.
	With respect to implementation, a lot needs to be looked at including assessments are undertaken and applied, and the degree of assurance of rigor of application of the safeguards and implementation. Also the definition of "associated projects" needs clarification.
	The safeguard policy requirements should be matched with the indicators that are used to assess the performance achieved during safeguard implementation and also later, during the stages when operations and project results are monitored.
	Shift focus more toward monitoring and supervision. Put more people on the ground at project sites. Ensure resources for supervision and capacity building. Need to have project site visits more often to ensure that project affected communities have information so they can monitor and know who to contact if problems exist.
	Effective post approval, monitoring and evaluation systems must be in place to actually address issues not only up front before approval of a project but to be able to really know what the impacts of projects are and how safeguards have been implemented.

	The notion of a principles-based approach may be good in theory but ultimately the way it was done in investment lending reform was to abandon previously mandatory requirements and turn them into non-binding guidance. For example, many of the factors that contribute to whether supervision is done well are not adequately addressed in the guidance provided for the investment lending reform.
	The Bank should strengthen project supervision, and as part of this improve the training of local teams. There is doubt as to whether the Bank currently has the right balance between project preparation and implementation.
	The Bank and the government must ensure the quality of project output through better supervision of Bank-supported projects (i.e., specifications, anti-corruption measures).
	The role of panels of experts should be enhanced and adequate supervision provided to ensure that Safeguards are being implemented.
	The World Bank should establish a system for verification of compliance with safeguard policies, which will speak directly with the communities / beneficiaries to verify if policies are met. Another idea would be to hire an impartial body to verify if policies were applied. A large part of the reform should be dedicated to address the systems for monitoring and evaluation of safeguard policies
	A move toward principles and results-based performance standards should be accompanied by a strong evaluation framework for safeguard results as well as an accountability framework for the Bank.
	Monitoring, evaluation and follow-up need to be considered and strengthened.
	Current policy implementation has revealed some loopholes relating specifically to enforcement. Participants asked for clearer and defined actions (as well as increased effectiveness) as a result of the policy review in terms of enforcement and monitoring during project implementation.
	While it is true that third-party monitoring/inspection has not proved to be a more effective model for ensuring compliance, there should be acknowledgement that no single specific mechanism or model—e.g., an exclusively self-reporting model or risk-management approach—will resolve the issue. It will take a combination of things, and third-party monitoring should not be excluded.
	Monitored data should be used to revise the safeguards framework and the environmental and social policies and procedures. Data should be used to improve performance, revise the policy and compile good practices. Emphasis on monitoring systems needs to be key. Strengthening of monitoring and supervision should be done to improve safeguard implementation. The Bank should review monitoring reports more closely in order to leverage further action.
	Safeguard due diligence is not being addressed in a comprehensive and tangible manner. Bank supervision is often done through reports provided by the client, and limited supervision from the Bank side is in place to follow up on implementation. Site visits are arranged by the client, as is the selection of stakeholders to be interviewed. The Bank should pay greater attention to monitoring and supervision issues to ensure credibility. As part of the agreement between the Bank and the country, the government should be accountable to citizens. Citizens should be encouraged to monitor projects and this should be included in the loan agreement. The loan agreement also should include binding articles to ensure that the government discloses and shares information transparently with CSO, including information

	about disbursement, jobs created, etc.
	The discussion at the policy level is very important but equally important is to focus on the measures that the Bank will take to monitor and ensure efficient implementation of the policies. It would be important to establish an Environmental Observer for ongoing monitoring and evaluation activities related to borrower compliance with environmental, health and social measures. The monitoring indicators that the Bank is using need to be known/disclosed.
	The concept of safeguards comes across as reactive, stale, and old-fashioned. It would be important to focus on the perception on the ground and reflect these experiences in the consultations. Need also to expand monitoring and evaluation. The review should clarify the level and type of monitoring and evaluation oversight that the Bank would carry out.
	In terms of implementation, Bank should put emphasis on transparency, project appraisal and economic evaluation, accountability for results and operation supervision, and bank incentive structures.
	Improving the quality of operation supervision should ensure binding social and environment management plans that include the option of codifying ESMPs in contracts with affected communities, greater use of independent and community monitoring, and commitment to better tracking of safeguard outcomes as well safeguard costs and benefits. Review and reform monitoring and evaluation systems, including third party verification for key social standards
	Any new proposed integrated safeguard system must include a dedicated section on implementation and compliance. This section should contain, among other items, details on resource allocation specific to the roll-out of the new system, new mechanisms or procedures to improve supervision of projects, mechanisms to improve compliance, both staff-level and at higher levels, and other reforms discussed below.
	The safeguard review must also enhance the quality of the Bank's project supervision. While the Bank has acknowledged the need to strengthen project implementation when undertaking Investment Lending Reform, these reforms have potentially diluted the Bank's supervision responsibilities by shifting explicit requirements to guidance, with possible negative implications on the implementation of safeguards. It is imperative that the Bank retain clear and robust supervision responsibilities as it relates to safeguard implementation, including monitoring of sub-projects and regular site visits, particularly where the client's institutional capacity is weak. Use of more effective indicators and participatory monitoring and evaluation would strengthen supervision, as would addressing staff incentives to encourage safeguard application and compliance. Staff should be rewarded for effective outcomes and not simply for brokering the investment.
	The World Bank should more effectively monitor borrowing governments' implementation, application and commitment of the Bank's safeguard policies. The responsibility of application and implementation should rest with both the Bank and the government. There is a need for evaluation after the "end" of the project, since some environmental or social impacts might not appear until after the end of the Bank's close date for the project.
	Systems related to the implementation of the safeguards policies and oversight of the impact of projects should be overhauled to increase effectiveness. In particular the World Bank's systems for receipt and assessment of critical information on project impacts, engagement by the Bank with affected communities and individuals, and the Bank's current monitoring mechanism should all be reviewed in light of the objective to prevent human rights abuses.

	<p>Under its supervision policy the Bank is responsible for ensuring that borrower's obligations related to Bank's safeguard policies are complied with. While it is the responsibility of the borrower to implement World Bank-funded projects, it is this supervision responsibility that leads to Bank's accountability. Many Panel investigations have invoked the supervision policy due to the fact that it is during project implementation issues of harm become real for affected communities. Panel investigations found:</p> <ul style="list-style-type: none"> -Lack of compliance by failing to identify and adequately respond to issues and problems as they emerge. - Lack of follow-up on pre-identified problems or inattention to warning signs, often compounded by lack of funds for supervision. - High staff turnover, inadequate coordination in Project management and supervision, and heavy work demands on task team leaders affected quality of supervision. - Too few safeguards or social specialists among the supervision teams. - Lack of Bank field presence as a contributing factor to inadequate supervision.
	Adjust systems for measuring results to enable them to determine the extent to which projects reach marginalized communities and incorporate their inputs and perspectives, including, amongst others, the most poor, women, people with disabilities, and ethnic, linguistic, and religious minorities.
	The Bank should develop and implement an action plan to ensure regular supervision of financial intermediary projects and investment projects that use social and environmental policy frameworks through third-party or community monitoring for higher-risk projects and require disclosure of monitoring and supervision reports.
	Institutionalizing the minimum acceptable thresholds for conformance/compliance to environment and social safeguards is required. Clear definition of these thresholds results in an individual-driven application, rather than an organizational requirement.
	<p>The Bank should prioritize the inclusion of metrics that reflect international social and environmental accords, such as the Millennium Development Goals and the Aichi Targets of the Convention on Biological Diversity, as well as the UNFCCC goal of limiting global warming to 2 degrees Celsius. One way to prioritize metrics would be for the Bank to introduce natural capital accounting (NCA) into its program and project measurements where applicable. This strategy would complement the Bank's excellent work to pilot NCA in systems of national accounts under the Global Partnership for Wealth Accounting and Valuation of Ecosystem Services (WAVES). A good example of a metric the Bank could use that integrates environmental and social goals that contribute to sustainable development is the Ocean Health Index (http://www.oceanhealthindex.org/). The ten measures that make up the index can be weighted and down-scaled so that they can reflect investment and policy goals for whatever scale is relevant to the project or program.</p>
	<p>Borrowing countries as well as World Bank project teams need incentives to incorporate climate change considerations into the planning and design of projects. It was suggested that for country a project be embedded in the country-led low emission development strategy or national adaptation plans. Access to climate funds would provide considerable incentive. Countries' obligations to international agreements are a further incentive for countries to comply with World Bank safeguards. With regard to project teams and World Bank staff, it was suggested to locate responsibility for safeguards compliance with project Task Team Leaders (TTLs) rather than government officials as TTLs are more likely to have incentives to implement safeguards with considerations of climate change.</p>

	Creating incentive structures to reward World Bank staff for advancing inclusive, sustainable development which reaches marginalized communities, in close compliance with the safeguard policies.
	The Bank must elaborate on its mandatory due diligence procedures to ensure that safeguard requirements are fully met by project proponents.
	Contracts signed between the World Bank and the States must include sanctions for non-compliance of safeguards and a robust system for remediation. Additionally, it must also include some incentives for their compliance. It is necessary to strengthen the World Bank's loan system, limiting the loan and holding it to the need for safeguard compliance. Finally, from the analysis of previous experiences, it is evident that there is a need to generate a contingency fund for any eventual non-compliance or for the support in the application of safeguards.
	While the responsibility for preventing violations of human rights, and taking appropriate steps to hold those responsible accountable, rests with the state, the Bank can and should take appropriate action when recipient governments do not implement adequate or agreed due diligence measures, as well as situations where there are credible allegations of human rights abuses associated with the operations of the client company or the project as a whole. These actions can range from intervention and support to redress a situation, to sanctions including withholding further loan disbursement or requiring immediate repayment of the loan. The potential human rights impacts of any sanctions on project-affected communities should be fully considered before any action is taken.
	The Bank should outline clear procedures in case of non-compliance with its safeguard policies. In particular, the Bank should have effective enforcement mechanisms in place, as well as independent expert monitoring.
	Establish a significantly improved monitoring and evaluation system, designed to the specific supervision needs of all Bank lending instruments, including Development Policy Loans and Program for Results lending. Include independent third party verification procedures for key social standards, including free, prior and informed consent and for resettlement planning.
<i>Supervision, monitoring (compliance-based supervision)</i>	Move away from a compliance-based supervision approach and focus on a greater emphasis on implementation support and managing for results. Ensure (a) comprehensive social and environmental risk assessment, mitigation and management; and (b) robust implementation support, supervision and monitoring by the Bank to ensure that project funds are used in a manner consistent with project objectives, without arbitrary or discriminatory exclusions from project benefits, and in full compliance with safeguard policies, be incorporated into the consolidated safeguards framework and/or inserted through amendment to OP 10.00. It is essential that such requirements are subject to compliance review by the Inspection Panel to guarantee accountability of the Bank to people affected by its investment lending operations
	In addition to penalties and incentives, other mechanisms to achieve environmental compliance should be incorporated into Bank projects (e.g., the use of environmental insurance, bonds, or contract payment holdbacks in construction contracts, since penalties and fines are usually not sufficient as a deterrent).
	Outcomes of the Safeguard Review should be stronger Social and Environmental Requirements - Recommendations: The outcome of the Bank's Safeguard Review should not be limited to the definition of objectives and principles, which are aspirational in nature only, but must include -- for Bank and borrower -- stringent mandatory requirements and implementation

	measures for social and environmental protections and clearly defined due diligence procedures.
Consider platforms and tools outside safeguard policies	The World Bank should conduct Strategic Environmental (& Social) Assessments (SEA) for Country Assistance Strategies, and there should also be an SEA for any sector funding for each country (e.g., the energy sector) to ensure that development projects are sustainable in the long term. SEA methodology and outcomes should be made publicly available for comment, and expert groups and affected communities should be invited to provide input into the SEA process.
Sustainability of assets	Sustainability of assets created through Bank funded projects is a big problem. There are many watershed and eco-development projects in which Joint Forest Management and Village Development Committees are created, huge budgets are spent but assets are not maintained. The Bank should pay more attention to the inception and exit phases of the project. Assets should be inventoried– before and after – and Government commitment during the project period should be ensured regarding maintenance. It is only through such state government commitment and its adherence that post-project sustainability can be ensured.
	It is important to clarify the environmental and social benchmarks the Bank uses in deciding to finance projects. The Bank should use international standards for decisions on financing.
Specific policies	
OP/BP 4.12, Involuntary Resettlement, COVERAGE <i>(recommended scope of policy framework)</i>	<p>-The revised policy should maintain the current requirement in BP 4.12 for the Bank’s task team and borrower staff to explore all viable alternative project designs to avoid and minimize displacement. The new policy should place a procedural requirement on the borrower Government to provide to the Bank – as a part of its project proposal – a detailed account of alternative project designs considered to achieve the development and general welfare objectives, including the result of consultations about potential alternatives with persons expected to be displaced. It should provide protections to uphold the right to adequate housing, and explicitly recognize the right to the continuous improvement of living standards.</p> <p>-In addition, the policy should stipulate that affected persons not only be provided with opportunities to participate in planning, implementing and monitoring resettlement, but with all necessary support and resources to enable them, or their freely chosen representatives, to actively participate in resettlement decision-making.</p> <p>-The policy should be revised to ensure that resettlement does not merely prevent the regression of living standards, but is treated as an opportunity to provide resources to borrower Governments to realize the right to an adequate standard of living, including the right to adequate housing, for resettled households previously living in inadequate conditions.</p> <p>-Greater emphasis should be placed on the due process requirements for effective public availability of information on the area delineated for the project, and subsequent systematic and continuous provision and dissemination of the information.</p> <p>-Vulnerable persons who settled in the area after the cut-off date despite the provision of effective and continuous notice, if it transpires through an independent assessment that they are effectively and genuinely lacking housing, should receive protection and cannot simply remain homeless. There should be procedural requirements during evictions.</p> <p>-The new policy should contain requirements, consistent with international law and the basic principles and guidelines on development based evictions and displacement, to be followed if affected persons do not agree to the compensation and resettlement package, even after the provision of all legal and other protections described above.</p>
	-Resettlement impacts prior to the Bank’s involvement must be fully compensated. The revised policy must state clearly that it will apply to cases where involuntary resettlement, including restrictions on access to land and other natural resources, however

	<p>partial or temporal they might be, has occurred before the World Bank's involvement with the project. The language in the World Bank's Sourcebook on Involuntary Resettlement (2004) on the issue (i.e., "If resettlement for the project begins before initial discussions with the Bank and the acquisition of the area is directly linked to the Bank project, then the substantive aspects of OP 4.12 apply retroactively. In other words, if an area is being cleared in anticipation of, or preparation for, a project, OP 4.12 would apply") should be written in the new policy.</p> <p>-Assets and properties of affected people must be evaluated in more systematic and participatory manners. The revised policy must clearly state that affected people's assets and properties must be measured household by household with their full participation. Measurements must be updated to accurately reflect market values at the time of resettlement. Resulted assessments must be verified and agreed upon by each affected household. Affected people should be informed in advance that they have the rights to question survey results and have the results corrected by authorities.</p> <p>-Resettlement impacts and livelihood restoration must be assessed in wider perspectives and participatory manners. The new policy must require that the World Bank does not rely too heavily on cash when compensating affected people. Impact assessments should examine the affected people's resources and livelihood means not only in economic but social, cultural, and religious terms and in full consultation with them. Resettlement/compensation programs thus developed must be fully implemented to restore or improve the affected people's life and livelihood.</p> <p>-Meaningful participation by affected persons in resettlement processes must be articulated in great detail:</p> <ul style="list-style-type: none"> a) The revised resettlement policy should require that all affected persons must be fully informed about their rights and entitlements under the policy, including their rights to file a complaint with the World Bank's Inspection Panel. b) The revised policy should clearly articulate what constitutes meaningful consultation with affected people in detailed ways, as in the Asian Development Bank's (ADB) 2009 Safeguard Policy Statement. c) The World Bank should follow ADB and state clearly in its new involuntary resettlement policy that the Bank respects Indigenous Peoples' rights to free, prior, and informed consent (FPIC) to resettlement caused by World Bank-funded projects as declared in the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP). <p>Compensation and mitigation measures must be delivered in timely manner. The revised policy must incorporate a stronger language to require appropriate compensation entitlements, in particular compensation to affected people's assets and properties (e.g., lands, buildings, farms, crops, etc.), to be delivered to them before they are resettled or impacted. Similarly, mitigation measures that are necessary to protect affected persons' access to basic human needs, in particular clean water, food, and electricity, must be provided on time so that their access should not be disrupted.</p> <p>Resettlement impacts and restoration must be monitored over a long period of time and leverages and resources for follow-up corrective measures must be secured. The revised policy must require that resettled people are supported until their income levels are restored to the pre-project level or above the poverty line, whichever is higher, as the policy's goals state. The World Bank's current commitment to monitoring resettlement must be further strengthened in the revised policy. The project's resettlement impacts may emerge and be felt more keenly by affected persons after some or even long time. Conversely, the borrow/project implementer's incentives to respond to resettlement impacts tend to decrease, as engineering parts of the project are completed and all disbursements are made. An assessment of resettlement processes and results at the project completion, as well as follow-up planning, must be carried out by an independent body. The results of the assessment and</p>
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	<p>planning must be disclosed to the public. The revised policy should also clearly state that both the borrower/project implementer and the World Bank monitor effectiveness of follow-up measures and allocate sufficient resources to carry them out.</p> <p>Lessons from resettlement experiences must be incorporated into project evaluation. The revised policy must be more specific about how evaluation on resettlement performance is incorporated into overall project performance evaluation.</p> <p>All information relating to resettlement monitoring must be disclosed. The revised policy must state clearly that all reports and documents relating to the monitoring of resettlement outcomes must be disclosed both to affected people and the general public. They must also be made available in easily accessible locations.</p>
	<p>The scope of the policy and procedure needs to be widened to explicitly to cover not only physical or economic displacement as a result of project-related land acquisition, but also a variety of situations including where individuals and communities are forced to relocate due to adverse project impacts other than those resulting from land acquisitions, such as pollution.</p> <p>The policy also does not apply to resettlement from voluntary land transactions. Lack of adequate protections in the context of displacement and resettlement regardless of the circumstances, can negatively impact the rights of individuals to an adequate standard of living. For this reason the new policy should be framed in a manner that clearly covers all situations of physical and economic displacement and evictions related to the project, and not just those that are a consequence of involuntary project-related land acquisition.</p>
	<p>Suggestions pertaining to Involuntary Resettlement and the Right to Land and Housing are below:</p> <ol style="list-style-type: none"> 1) The Resettlement Action Plan should clearly identify the criteria for reparation. 2) The Resettlement Action Plan should include a quantitative measure of potential risks and damages. 3) The Bank ought to have specific criteria for the process of consultations with communities that will face involuntary resettlement. The Bank should also monitor the government's adherence to these criteria as it implements the consultative process. 4) Since it is difficult to measure the extensive impacts of resettlement on a community, it is important that the Bank work towards reducing the need for resettlement all together. The Bank should therefore conduct more robust studies of alternatives to determine and select projects that won't trigger resettlement. 5) The Bank should refrain from any kind of involuntary resettlement. Instead there should only be voluntary and consensual resettlement, where consent is achieved through effective community participation and consultation. This consultation process should start at the beginning of the project planning stage. 6) Any given project must directly benefit the inhabitants of the project area. This should apply to all phases of the project, whether during implementation or after completion.
	<p>Detailed recommendations for a revised policy include the following:</p> <ul style="list-style-type: none"> -Prohibiting Forced Evictions and Ensuring that Displacement is Truly a Last Resort -Category A Resettlement: Using a Twin-Project Approach -Human Rights Impact Assessment and Due Diligence -Access to Information, Consultation and Active Participation in Decision-Making -Respecting and Fulfilling the Human Right to Adequate Housing -Livelihood Improvement and Benefit-Sharing

	<ul style="list-style-type: none"> -Cut-Off Dates and Eligibility for Benefits -Resettlement Supervision, Monitoring and Evaluation -Ensuring Access to an Effective Remedy
	<p>Among other key principles, the policy should include a prohibition of forced evictions in violation of international law and, at minimum and without discrimination, ensure that evicted persons or groups, especially those who are unable to provide for themselves, have safe and secure access to: (a) essential food, potable water and sanitation; (b) basic shelter and housing; (c) appropriate clothing; (d) essential medical services; (e) livelihood sources; (f) fodder for livestock and access to common property resources previously depended upon; and (g) education for children and childcare facilities. Further, the policy should explicitly aim to improve the standards of living of affected people, particularly vulnerable groups. We strongly urge the Bank to commission an independent study on the outcomes and lessons learned from the implementation of OP/BP 4.12 since its adoption in 2001.</p>
	<p>Resettlement is required for a range of development projects, e.g., irrigation projects, nuclear power plants and coal mining. The policy, especially its implementation, must be strengthened. Resettlement and rehabilitation (R&R) should be provided for those who are actually affected. Land, assets and livelihoods should be considered, and how the resettlement process leads to compensation, which is channeled to improved living standards.</p>
	<p>More attention to involuntary resettlement (especially in terms of gender issues) is necessary to ensure that the safeguard policies most effectively help achieve sustainable development and positive results on the ground.</p>
	<p>There is need for a clear directive stating that expropriations are only allowed for a public purpose (to be defined very narrowly) and must not destroy the base of life of any person. The new policy should:</p> <ul style="list-style-type: none"> -recognize all legitimate tenure rights, including customary, common/community rights and subsidiary rights. -include all up-stream, down-stream and cumulative affects -ensure the independent legal representation of local communities. -not be limited to infrastructure projects.
	<p>There should be a separate section on land records pertaining to community property resources. Social capital and institutions should be preserved when taking government land.</p>
	<p>The provisions for various forms of resettlement assistance should be based on a set of components, rather than following a minimum threshold mentioned at national/state level. For example, for provision of shifting assistance, components such as: (i) distance to relocation site; (ii) household size of displaced persons; (iii) asset size (cattle, materials, etc.); (iv) shifting of school and consequent expenses, etc., should be considered. Such entitlements require differential treatment (e.g., for rural/urban regions or for hilly/plain regions).</p>
	<p>The policy does not always overlap with expropriation activities carried out for projects involving particular agencies. In this context, while considering review of the policy for the resettlement status of large projects, it would be key to consider introducing sub-clauses that take into account smaller projects and/or projects for different purposes, such as small land acquisitions or expropriation for public good.</p>
<i>Effective grievance</i>	<p>There should be a third party grievance redress mechanism. This should be a clearly described forum with enforcement capacity</p>

<i>and accountability mechanisms for project-affected communities</i>	and the ability to resolve issues in a timely manner. It should have the power to issue and implement orders as required by the affected party. A mechanism should be established for people to challenge the decision to proceed with the project.
<i>Deficiencies in compensation practices</i>	Small, marginal farmers need to be safeguarded. It is important to determine the yield value over a period of time, consider inter-generational equity aspects, and recognize future potential in terms of compensation. This is particular relevant for small, marginal farmers who may or may not have land records. Introduction of the term “enterprise value,” which captures this future value, should be considered, as opposed to the replacement value that is presently in use.
	The big problem in R&R is that the market value doesn’t match what is required. One other problem is that we tend to monetize everything but compensating for loss of livelihood with wages doesn’t always work. There have been situations where resettlement has taken place and land was given to project-affected villagers in a host village, but even after 25 years, the host villagers are unwilling to accept the project-affected people. Even with the best of efforts and intentions, it is possible not to get it right. There is a need to look at livelihoods with a more broad-based focus. Implementation governance should be integrated with the policy.
	Compensation standards need to be better designed to reflect the full range of equity impacts. A shift towards focusing on how to incorporate local people into project design so that they can share in benefits over time, rather than depending on one-time compensation, should be explored.
	In cases where people lose some part of their land or some property, like a tree, there is no set compensation package and no set valuation for the property. So compensation is a problem.
	Re-examine procedures in the compensation matrix for relocation projects. The second generation re-settlers are a challenge and should be reviewed in the involuntary resettlement assessment.
	The concept of inter-generational equity has to be strongly embedded. At present there is a contractual obligation to the head of the family but what happens to the next generation is unclear.
<i>Monitoring, evaluation, and compliance</i>	The World Bank should consider carrying out a quality assurance exercise before relocating people to ensure resettlement policy has been complied with. This will prevent the making of promises in resettlement plans that never materialize on the ground.
	The World Bank should emphasize the requirement of proof that resettlement plans are drafted through participatory means and that the plans reflect the development priorities, realities, and needs of affected communities.
	The Bank should maintain a database of displaced and resettled people and of dismantled and reconstructed infrastructure.
	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).
	Enshrine and separately fund routine independent monitoring and evaluation of resettlement and compensation for resettlement.

<i>MDB best practices - living standard improvements</i>	The World Bank is lagging behind the Asian Development Bank (ADB) in terms of some key areas of the involuntary resettlement policy. For example, it only requires restoration of living standards of displaced people to pre-existing levels. ADB is now considering provisions to improve the welfare of the affected population. Lack of data, especially the fact that there has been no independent study evaluating performance or the impact of involuntary resettlement, how it actually resonates on the ground, and whether its implementation is successful or not, makes it very difficult to determine whether involuntary resettlement actually works in general.
	The overall objective should be to improve the living standards and level of income of the displaced above their pre-project levels. Loss of income during transition periods until income is restored should be addressed through social safety nets. Asian Development Bank's Safeguard Policy Statement (2009) calls for compensation for loss of income, in addition to livelihood restoration support.
<i>Mechanisms to minimize or mitigate involuntary resettlement</i>	Shift the focus from compensation to participatory development and benefit sharing. Involuntary resettlement should only occur in "exceptional circumstances," and this should be in accordance with international law requirements, the United Nations' Basic Principles on Development-Based Evictions and no resettlement of Indigenous People should occur without FPIC. "Exceptional Circumstances" is defined in the UN Basic Principles (para 21) as: "(a) authorized by law; (b) carried out in accordance with international human rights law; (c) undertaken solely for the purpose of promoting the general welfare...."
	When large-scale resettlement is likely, alternatives, including a non-project option, must be explored by an independent body to ensure that the fundamental goals of the involuntary resettlement policy, i.e., to avoid or minimize involuntary resettlement, are put into full practice rather than remaining to be an aspirational statement.
	The policy needs to be strengthened in order to better ensure that evictions and displacements connected to Bank-financed projects fully respect the right to adequate housing and contribute to its progressive realization for affected people who did not previously enjoy this basic human right. These recommendations are consistent with the Bank's objectives of creating a new generation of safeguard policies that can "help the Bank support measurable development outcomes or 'doing good,' in addition to maintaining the 'do no harm' principles of the current safeguard policies". The revised policy should be explicit in permitting involuntary resettlement in connection with Bank-financed projects only in exceptional circumstances, namely the promotion of the general welfare consistent with the State's international human rights obligations.
	Require procedures to ensure that any proposed project that causes displacement triggers a robust and participatory process of exploring alternatives that would avoid or truly minimize displacement and respond to people's development priorities.
	The revised policies should state that the same people should not be displaced twice if there are two development projects supported by the Bank.
<i>Clearer definitions and categorization</i>	The policy should clearly define project-affected persons. Moreover, the definition and categorization of affected population entitled to compensation should be elaborated in greater detail.
	Aspects involving children such as emergencies/disasters, child labor, and children in involuntary resettlement in Bank-financed projects were pointed out as requiring better definition in the Bank's policy. There were specific questions about how the resettlement process in Bank projects would ensure that children of relocated households have access to education at new

	resettlement sites without facing interruption or disruption.
	Project-affected peoples should not be consulted only; rather, consent should be built. Consultation is often pro forma, and is widely dominated by governmental officials, elite males and those who are well connected and have strong connections with government. The policy should state the various categories to be represented and the need to engage various groups, including women, disabled, etc.
<i>Replacement cost harmonization</i>	It is well established that evaluation procedures laid down in the local laws for compensating people for their affected assets invariably leads to litigation for enhancement of compensation amount. The courts settle these claims over long periods thereby affecting the replacement concept as such. To provide timely and adequate compensation prior to dispossessing people from their assets, replacement cost as a category of assistance is disbursed to the affected in Bank supported projects. The methodologies for estimating replacement cost vary from project to project. Whether those affected receive adequate replacement cost remains unclear. The approaches adopted by World Bank and other donors to arrive at the replacement cost, varies across regions and across sectors. There is a need for uniform approach towards calculation of realistic replacement cost.
	“Replacement cost” should only be used as the basis for compensation for lost assets when the amount exceeds the minimum threshold. Accessible residential housing and moving assistance must be provided to persons with disabilities, the infirm and the elderly. Resettlement sites should be as close as possible to previous locations and fulfill the criteria for adequate housing according to international law (CESCR).
<i>Borrower country capacity building</i>	Practical procedures should be worked out to reflect lessons from resettlement processes. The revised policy must work out detailed steps to feed lessons from resettlement of the World Bank-funded projects into the borrowing country’s national environmental and social protection standards with the purposes to improve them at least to the levels that are compatible with the World Bank’s involuntary resettlement policy.
	The Bank should ensure that where borrowers lack the capacity to fulfill these responsibilities, the Bank is prepared to build borrower capacity so that it can satisfactorily implement the resettlement plan. Paragraph 24 should provide that in the event follow up measures are required, either a) the bank should provide capacity for such measures in the event that the borrower lacks the requisite capacity, or b) independent monitoring and evaluation should take place.
	Although it is not possible to develop and implement tailor-made policies suiting the requirement of each borrower, the Bank could develop two to three sets of safeguard policies on Involuntary Resettlement ranging from basic minimum to maximum compliance requirements, which would suit a variety of borrowers at different stages of country system capacity development. It is true that the safeguard policies on Involuntary Resettlement are designed in a manner to make them flexible to suit the local context to some extent. However, there are many aspects including those related to eligibility for benefits and entitlements, which could be broken down in sets with different levels of compliance requirements. Such policy sets could be based on the Bank’s past experiences with a variety of borrowers in implementing safeguard policies.
	The current policy requirements should be supplemented with a requirement on borrower Governments to put in place measures to ensure secure adequate housing, including all of its components, immediately and as a component of the project itself.
Environmental	There is an essential need for the Bank to integrate the Strategic Environmental and Social Assessment (SESA) into the policy

Assessment, OP 4.01	level aspects of global issues with client countries. The Bank can help client countries get a jump on the growing number of environmental and social risks and challenges by going to the basics of SESA policy analysis associated with human environment and human condition effects. The SESA is geared toward integrating environmental and social considerations into an assessment of policies and plans and even programs. It is broader in scope than just a Regional EA or Sectoral EA, thus subsuming them within its scope. The Environmental and Social Management Framework (ESMF) is the perfect decision document to mate with the SESA. It documents and legally binds client countries and the Bank to a framework that can be tied directly to policy implementing program and project Environmental Impact Assessments (EIAs) and their perfect decision document mate the Environmental Management Plan (EMP). This simple use of the SESA/ESMF and tiered EIAs/EMPs should more than suffice in meeting the challenge of factoring in environmental and social issues into collective decisions and their subsequent actions.
	OP 4.01 is applied only during project preparation. Implementation often involves lots of changes that were not taken into accounted as part of the ESIA. There is a need to follow up on the environmental assessment during implementation.
	The Bank should increase the use of Strategic Environmental Assessment. Spatial mapping should be more broadly used to support an integrated approach to impact assessment.
	The Bank needs to strengthen the requirements for environmental and social risk assessment. The Bank should strengthen and clarify thresholds and requirements for shifting risk assessment upstream. Assessment criteria and options for filling gaps in institutional capacity should be clarified, and disclosure requirements for ESA should ensure that affected communities are fully informed of the costs and benefits of a proposed and executed operation in a timely and comprehensible manner.
	It is necessary to have a classification and analysis of risks for the Bank's loan instruments, with clear criteria for the definition of influence and planning areas in all its operations.
	Improve the effectiveness of the Bank's interventions through better risk assessment and supervision, paying particular attention to risks posed by weak governance. In order to improve the quality of interventions, the safeguard policies should require a more robust risk assessment process, which includes upstream risk assessment and human rights due diligence, and is carried out by staff with the appropriate skill-set. In particular, the Bank would benefit from a systematic usage of strategic environmental and social assessments and political economy analyses to ensure an accurate understanding of governance risks and measures to mitigate such risks. Where governance is weak, an understanding of political economy risks is particularly important for the effective implementation of projects; the safeguards should ensure that such risks are systematically assessed and considered in the project design.
	There is a need for upstream screening even prior to starting the identification of projects and at the time of developing the country assistance/partnership strategy. The Environmental Impact Assessment should be done in an institutional, deliberative, accountable, transparent and systematic way. It should also be undertaken by independent institutions that are held accountable by elected institutions and also by civil society.
	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.
	<p>The Environmental Impact Assessment study should concentrate more on the social impacts as well as the impacts on human rights, among which are the impacts on persons with disabilities.</p> <p>Social development is increasingly being emphasized. This is a healthy trend that needs to be further encouraged, because if it is not taken into consideration, only revenue and engineering aspects are covered. Often, the finance manager responsible for projects chooses to combine roles, e.g., social and communication consultant, to reduce costs, without paying heed to functional requirements.</p> <p>WB is long on the environment safeguards but very short on social safeguards. Look at how you can relate to broader policies in a country. Most interventions are project specific. So look at not just projects but also at policies. Have a broader framework, where interventions can have a bigger impact.</p> <ul style="list-style-type: none"> -Environmental Impact Assessment (EIA). The EIA should be made more socially focused. -Explicitly integrate the concept of social protection to safeguard policies of the World Bank. -Place the well-being of citizens at the heart of all projects. <p>The social aspect is not present enough in the current safeguard policies of the World Bank. It would be advisable to conduct further consultation with the social center (Ministry of Social Development, National Mutual, Social Development Agency).</p>
	Environmental concerns should not overshadow health and social concerns. Environmental and social investments should be considered, corporate environmental responsibility should be introduced and adaptive management methods in multi-sector projects should be used.
	The Bank should pay closer attention to existing social and economic inequalities, since to date the interests of individuals are not always taken into consideration.
	Socioeconomic aspects of all projects should be thoroughly examined, because this dimension tends to be ignored, which can lead to challenges in project implementation.
	A strategic evaluation of environmental impact of programs, carried out before making corresponding decisions, is needed. It would be good if the Bank could encourage inclusion of a strategic evaluation mechanism for environmental impacts in the national legislation.
	The importance of strategic evaluation of environmental impacts was underlined, because environment often becomes a victim of economic development in countries with developing or transitional economies, which is unacceptable. A certain balance must be preserved.
	<p>It is not sufficient to secure the individual investment. What is needed is an assessment of the potential cumulative impacts and a strategic plan of how to deal with them – similar to an strategic environmental assessment.</p> <p>Additional assessments should be added such as a human rights impact assessment, a tenure assessment and a livelihoods assessment. In case these three topics will not be dealt with in separate assessments, at least they have to be tackled in detail in other ones.</p>
	The Environmental Assessment Policy has many loopholes. For example, there is a framework of law in the environmental impact assessment. The Environmental Impact Assessment (EIA) policy should be strengthened. For example, if a project has

	international or regional impact, sectoral policy/assessment should be applied.
	The revised strategy for energy production should be subjected to a thorough EIA where energy based on renewable re/sources is concerned, as it may have a significant negative effect on the environment (e.g., micro-hydroelectric plants, wind farmers etc.).
	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.
	The assessment should encompass Social/Environment risk assessment and management for all Bank financial instruments (Development Policy Loans, Program for Results, Use of Country Systems, Financial Intermediaries) to ensure effective outcomes. The assessment, prepared at an early stage of the project, should be monitored during implementation and upon completion.
	Introduce the requirement to conduct studies in principle as a prerequisite to the establishment on site of any extractive companies supported by the World Bank.
	The policy should be made to consider macro level issues/mechanisms to improve overall environmental quality, such as eco-compensation, and emission trade systems, etc.
	ESIA studies, in some cases, are not comprehensive enough. Certain ESIA's are accepted even when the impacts cited are not quantified and the potential damage and loss that local communities are predicted to encounter is not properly assessed. The ESIA should clearly examine alternatives, including location alternatives and the alternatives related to the potential associated costs and losses. The ESIA should be made available at an early stage of the project and allow for CSO feedback. Moreover, CSOs should be allowed to conduct other social reports during the ESIA process and during other stages of the project.
	Potential impacts and their significance should be identified by society and not by Consultants. Categorization should be openly and regularly reviewed and CSOs should be included in this review.
	Variation in ESIA quality is an important issue; there are no clear standards for ESIA quality or for ranking the submitted report. The quality should not be subjective and left to the judgment of the reviewer of the studies.
	The policy should be generally brought into line with existing guidelines such as the 2004 Akwé: Kon Guidelines, which have been recognized as an important tool in development assessment. These Guidelines provide a comprehensive approach toward impact assessment, but several of its best practices are worth noting specifically. First, as the title implies, best practices regarding impact assessments involve more than assessing impacts on the environment. Assessments of environmental, social and cultural impacts as appropriate should be called for in the safeguard. Additionally, the Guidelines note that it is desirable to integrate cultural, environmental, and social impacts within a single assessment process. Second, Indigenous peoples and local communities should be involved and consulted at every phase of the impact assessment, in line with current international law standards. Specifically, best practice participatory methods of consultation should be employed. Third, the screening process set forth in OP 4.01 should be updated to make it consistent with the guidelines for incorporating biodiversity-related issues into environmental impact assessment legislation and/or process and in strategic environmental assessments endorsed by the

	<p>Conference of the Parties in paragraph 1 of decision VI/7 A, and contained in the annex to that decision.</p> <p>Generally, impact assessment requirements for significant projects include independent review of the assessment. Category B projects, as well as Category FI projects might also be significant and warrant independent preparation and/or review of an impact assessment. Additionally, OP 4.01 adds a subcategory of Category A projects: “projects that are highly risky or contentious or that involve serious and multidimensional environmental concerns.” There should be clear standards in place to determine when Category A projects will fall into this subcategory. Furthermore, there should be clear indicators for when a borrower must engage an advisory panel. Finally, it is crucial that OP 4.01 retain the standard that the Bank does not finance project activities that would contravene the obligation of a country under relevant international treaties and agreements.</p>
	<p>The policy should ensure compliance with the Pelosi amendment by providing for uniform, effective application of social and environmental risk management requirements to all Bank activities (including projects and subprojects) resulting in similar treatment/requirements for similar risks. All Bank funded activities should be categorized, with significant risk activities requiring an ESIA (or SESA as appropriate) that is meaningfully consulted and disclosed before appraisal. Adequate risk assessments and management plans of risky projects must be provided to the Board before approval of the project.</p> <p>Policy architecture: The Bank must retain original responsibilities under OP 4.01 for any projects with potential adverse social or environmental risks, which include performing initial risk identification, requiring verification of information at key steps in the process, ensuring greater transparency of monitoring information and grievance redress during implementation.</p> <p>A strengthened provisions for ESA quality shall ensure that:</p> <ul style="list-style-type: none"> -all ESIA or SESA for Category A activities are properly disclosed and meaningfully consulted at least 180 days prior to Board decision. -all significant risks be categorized as Category A, backed by a robust indicative Cat. A list and an exclusion list -clearer requirements exist for SESA as a pre-project risk assessment tool for CAS/CPS, DPLs, P4R and certain IL with significant, adverse potential S/E risks. -clearer and stronger requirements exist for baselines, area of influence, associated impacts, and cumulative impact assessment -expanded coverage exists of social risks including the presence of a requirement for assessment of specific impacts of projects on children and persons with disabilities; -measures to assess climate change risks protect ecosystem services, promote resource efficiency and lead to pro-poor outcomes; -streamlined rules to apply the mitigation hierarchy to the most highly ranked impacts and guarantee the implementation of an E/S management plan
	<p>The procedures for triggering policies and accurately screening for risk need to be reviewed as part of the safeguard update and review process and upgraded to be fit for purpose. Certain ‘red flag’ sectors (agribusiness expansion, large scale hydropower development, perhaps others) could be assigned Category A as a default, unless a case can be made for downgrading the rating.</p>
	<p>One of the most important aspects to be improved is the implementation of any management plan as part of the impact assessment, whether this is an Environmental Management Plan or an Environmental and Social Management Framework. The Bank must ensure, by retaining ultimate responsibility, that borrowers/clients fulfill their obligations.</p>
	<p>The Environmental Assessment safeguard policy should be expanded to include “built environments” that foster social inclusion</p>

	and ensure accessibility for all. This policy expansion would help all future Bank projects more effectively meet the varied needs of diverse stakeholders and project affected communities, especially disabled persons.
	Impact Assessment requirements for projects classified as B (or C) should be strengthened. The difference between what is required for A and B projects is too great, and environmental harm could occur due to an investment not requiring even a basic impact assessment.
	Categorization of projects has not been clear. Clear procedures should be set out for categorization (and screening) of projects. Categorization methodologies need to be standardized and transparent to enhance harmonization.
	The Bank should work to strengthen the application of the mitigation hierarchy and continue its commitment to avoidance of negative impacts. Issues of cost should not be used to shirk responsibility to the rigorous application of the mitigation hierarchy.
	The Bank should consider adopting approaches that differentiate interventions designed to benefit affected persons from those likely to induce adverse effects in order to ensure that vulnerable groups are not excluded from development benefits.
	Management plan and impact assessment The concept of a Bank/Country Strategic Environmental and Social Assessment (SESA) and associated Environmental and Social Management Framework (ESMF) followed by tiered Environmental Impact Assessments (EIAs) and Environmental Management Plans (EMPs) for implementing programs, projects, and sub-projects would accommodate the Bank's intentions to have a sustainable affect from the country level to the site-specific local level, as well as provide an integrated framework.
	The Bank should consider adopting an ecosystem-based approach (EBA) in any projects that affect the environment and land use in order to improve policy coherence.
	The Bank should consider using sensitivity mapping to track and assess the vulnerabilities of species potentially affected by its infrastructure development projects. Where in practice, this tool has helped ensure that wind farm projects, for example, protect species vulnerable to collision with turbines.
	The Integrated Biodiversity Assessment Tool (IBAT) is a spatial mapping tool designed to support decisions in relation to categorization of projects and help guide EIA scoping and baseline information surveys. It provides access to accurate and up-to-date biodiversity information in a spatial layer with a mapping functionality that projects species composition across an area.
	The High Conservation Value Areas concept should factor into the Bank's consideration. This concept relies on the identification of six High Conservation Values, which include both ecological and social values. Although initially designed specifically for forests, it has also been used for other land use planning operations and within commodity certification schemes.
	The Bank should consider making the following revisions: 1) The Strategic Environmental and Social Assessment (SESA) (replacing the Use of Country Systems, OP 4.00) and the Environmental Impact Assessment (EIA), OP 4.01, should be the only safeguard policies (e.g., umbrella safeguards). 2) All other issues including past safeguards should become IFC Performance Standard like guidance for the emerging issues; the Performance Standards are critical to translating issue expert language into understandable Bank Performance Standard language for proper categorizing and assessment (i.e., category A, B, C, FI). 3) The SESA identifies the overall client country's policies analysis with the Environmental and Social Management Framework (ESMF) used as the decision-making instrument, followed by tiered EIAs for policy implementing programs and projects with Environmental Management Plans (EMPs) as the decision-making instrument. 4) The IFC like Performance Standards will be

	<p>somewhat equivalent to a mixture of the IFC Performance Standards and Guidance Notes but with a more weighty and binding aspect for all emerging issues by providing the necessary means to assess issues identified and determined necessary under the EIAs. 5) The new Performance Standards methodology would be able to create an expeditious process for public process and acceptance and World Bank approval (i.e., 90-180 days). 6) The move to two safeguards will be the “gold” standard and will negate need to revisit the key functions of the “safeguarding” process except through the Performance Standards process.</p>
	<p>The Environmental Management Plan (EMP) is not “set in stone” and should be viewed as a living and dynamic document. Should specific measures in the EMP need to be changed, formal change management procedures should be implemented and documented, including sign off and agreement of all environmental authorities in the project.</p>
	<p>The Bank should set stronger requirements for all contractors to have their own EMS in place that complies with the project’s EMP requirements.</p> <p>Equipment and personnel must be accounted for at all times. An accurate inventory of the stock of equipment, its exact location, and availability must be kept up to date and accessible. This is equally true for personnel.</p> <p>During the operational phase, the environmental management cycle must emphasize identification and monitoring of geographically challenging areas along the ROW.</p>
	<p>The environmental assessment process should identify and address, early in the project cycle, trans-boundary issues associated with project operations. The environmental assessment process for operations with potentially significant trans-boundary environmental and associated social impacts, such as operations affecting another country’s use of waterways, watersheds, coastal marine resources, biological corridors, regional air sheds and aquifers, will address the following issues: (i) notification to the affected country or countries of the critical trans-boundary impacts; (ii) implementation of an appropriate framework for consultation of affected parties; and (iii) appropriate environmental mitigation and/or monitoring measures to the Bank’s satisfaction.</p>
	<p>The Environmental Assessment policy should be strengthened to require that the Bank and its clients assess how subsidies and regulations may prevent the Bank from achieving its sustainable development and climate mitigation objectives. It should provide clear policy direction regarding how the regulatory landscape should be assessed and how the outcomes of those assessments should be factored into the project decision-making process.</p>
	<p>The EA categorization of project requires being more specific. Provisions for accommodating the already fine-tuned existing rules /regulations / policies available in the country and which have specific categorizations of project (e.g. MoEF has already categorized various infrastructure projects under categories A & B), shall be appropriately conceived by the Bank Policy. The Environmental Assessment requires to be defined with specific requirements (area to be covered for assessment) and limitations (5/10/15 km surrounding the project area etc.) for studying various environs [air, noise, water and biodiversity (flora and fauna)] and socio economic factors.</p>
	<p>Specific climate change mitigation and adaptation criteria should be included in the social and environmental assessments that ensure Bank investments are as low-carbon, pro-poor and resilient as possible.</p> <p>Project, programme and policy alternatives should be considered as a first step, based on cost-benefit analyses that price all relevant externalities. Important to strengthen the risk categorization process to include upstream, downstream, cumulative and global environmental assessments, as well as making such assessments standard across all lending instruments.</p>

	<p>The disclosure requirements should be updated, including specifically towards financial intermediary lending. The policy could be the avenue to achieve both revenue and contract transparency (including pre-deal disclosure – see below), which would apply to all the safeguards through the social and environmental assessments. For projects and programmes with major impacts (Category A), Stakeholder Participation Plans should be prepared.</p> <p>Additional due diligence for high-risk projects should be undertaken – including field visits and desk review of ESAs, and in highly complex and sensitive projects, engaging independent advisory panels during project preparation and implementation. Social experts should be included in addition to the existing requirements of environmental experts for the independent advisory panels.</p>
	<p>Within the Environmental Assessment safeguard policy, the following aspects need serious attention during the ongoing review: 1) Preventive Measures; 2) Regional Strategic Environmental Impact Assessment: unclear if equivalent to Cumulative Environmental Impact Assessment and unclear how to include it in country system safeguard; 3) Environmental Management Plan (EMP): Procedure should be developed on key concerns where locations specific treatment is necessary; 4) Environmental Screening: Categorization – adoption and enumeration of objective criteria; 5) Public Consultation: Policy/Procedures should be developed to reduce the existing gender gap (e.g., make 50:50 (male/female) distribution a pre-condition for holding a public consultation on any issue); 6) Disclosure – Records of Best Practices followed in WBG Projects should be provided in footnotes online.</p> <p>The Bank should improve its environmental assessments to address waste management problems particularly in large cities. As for Environmental Management Plan mitigation, procedures for developing linkages with any mitigation plan (Involuntary Resettlement, Indigenous People, or Physical & Cultural Resources) should be more elaborative.</p> <p>The Environmental Assessment, Annex B: for a Category “A” Project, the scope of the physical and biological baseline should be elaborated; otherwise very superficial data on these conditions are usually collected. The physical component of baseline data should be segmented and should also include geomorphology/groundwater geology.</p> <p>As for baseline data in general, primary and secondary data requirements on environmental quality should be specified. In addition, the collection of the latest baseline data should be emphasized with respect to the Indigenous Peoples safeguard policy, especially on aspects of occupational structures; such data is best gathered through methods of primary data collection. Integrated data sheets on environmental and social safeguards made during the appraisal/EA stage of a project should provide more information on specific circumstances (i.e., locations and recommended mitigations). In fact, it would be a best practice if such data sheets could also be prepared during the supervision and implementation phases of projects.</p>
	<p>The Integrated Safeguards Data Sheet should be subject to continuous revision throughout the project duration in order to revise the risk categorization when needed, since some risks might emerge after the datasheet has already been prepared including during implementation of the project.</p>
	<p>Studies of the Alternatives</p> <p>1) Studies project alternatives should not be limited to assessing the economic benefits only, but should also consider the social risks as well as the social benefits that may result from each of the proposed alternatives.</p> <p>2) The Environmental Impact Assessment should include studies on the potential and available alternatives in a more detailed manner taking into account factors such as project location, the technology that can be used, etc.</p>

	<p>The Panel has encountered several cases where the delineation of a project's area of influence, required under Bank Policy on Environmental Assessment, was inadequate. The Panel found the definition of the project's area of influence restrictive and narrow, with a resulting inadequate assessment of potential environmental and social risks and impacts, and hence inadequate identification of ways to prevent, minimize, mitigate or compensate for adverse impacts. The Panel has noted that determination of a project's area of influence must "follow" impacts in the short-, medium- and long-term, and not be guided by a limited geographical understanding of "physical footprint". Investigations found that the following impacts had not informed delineation of area of influence:</p> <ul style="list-style-type: none"> -Impacts in areas beyond land acquisition – such as buffer zones. -Certain wider impacts – such as changes in traffic flow, and risks of flooding caused by road embankments. -Impacts of associated facilities, which were addressed in the investigation of the South Africa Eskom project. - Effects of induced activities "upstream" or "downstream" of component financed by the Bank, which were addressed in the West Africa Gas Pipeline case. - Cumulative impacts of a range of investments, which were addressed in the Pakistan National Drainage Project case.
	<p>Expand the Safeguards to Cover the Full Scope of Downstream Impacts. As foreshadowed by the Bank's Environment Strategy, the Bank is launching an important partnership to address ocean ecosystem degradation. To meet the biodiversity and ocean protection goals of this partnership and the Environment Strategy, the revised safeguards should broaden their scope to include measures that avoid and reduce downstream impacts from source to delta.</p> <p>Require Environmental Flows Assessments and Maintenance. The World Bank should require environmental flows assessments that measure the impacts of dam infrastructure on freshwater fisheries, floodplain nutrient balance, sedimentation, and water and soil quality, and mitigation action plans that maintain environmental flows for healthy ecosystems and livelihoods.</p> <p>Require the Creation and Implementation of Integrated Resources Plans. The World Bank Safeguards should require borrowers to create and implement IRPs for the electricity sector before greenfield dam projects are selected.</p>
	<p>The environmental and social impact assessments often identify the risk of explosives contamination in conflict-affected countries. The Bank has also developed additional guidance – 'Landmine Clearance Projects: A Task Managers' Guide' – and seemingly reasonable approaches to manage the high risk from explosives contamination in certain countries (e.g. Vietnam). Other factors, however, seem to be at play which may account for the bulk of the recent growth in the commercial demining sector. These include the risk of litigation against investors and prime contractors should workers be killed or injured, plus the interplay between the 'all reasonable measures' principle in determining liability and the high profile of both the landmines issue and the mine action industry over the past decade (i.e. the high profile of landmines means risk mitigation is increasingly likely to be considered part of 'all reasonable measures').</p>
	<p>The Environmental Assessment needs to follow as the "tiering" process for evaluating the implementing programs and projects done under the SESA and corresponding Bank/Country policy decision completed as part of the new OP 4.00. The objective would be to gain efficiency and consistency in making policy and implementing that policy through proposed programs and site-specific projects tiered to a common directive (SESA decision). As a starting point, the current OP 4.01 has the provisions for this proposed process identified in Annex A, Definitions (see definitions of: "10. Strategic environmental and social assessment (SESA)" and "4. Environmental and social management framework (ESMF)"). In addition, the definitions for "7. Regional EA" and</p>

	<p>“9. Sectoral EA” should also be assimilated as part of the SESA through the country-wide human environment and human condition assessment. The second part of the proposed safeguard process changes should be focused on “tiering” the programs and projects aspects of implementing the policy under the SESA-ESMF. Under Annex A, OP 4.01, the definitions (with some modifications) for “2. Environmental impact assessment (EIA)” and “3. Environmental management plan (EMP)” could set this stage. The definition for EIA could be modified to read: “Environmental impact assessment (EIA): An instrument to identify and assess the important local issues specific to potential environmental impacts of proposed programs and project/subprojects with appropriately designed mitigation, management, and monitoring measures covered by the scope of the Bank/Country SESA and associated ESMF.” The EMP would become the EIA’s decision with legally binding requirements for the local effects which would work cooperatively with the SESA-ESMF. The SESA and EIA should be the only two actual safeguard OPs. The rest of the current safeguards and any future emerging issue safeguards should be turned into IFC like Performance Standards.</p>
	<p>Definitions in Annex A need to be more comprehensive. More terms/concepts should be included along with conceptual diagrams/sketches/pictures. Definitions and detailed explanations pertaining to OP-4.01, OP-4.04, OP-4.09, OP-4.10, Op-4.36 and 4.37 should be in one Annex.</p>
	<p>The Environmental Assessment policy should be strengthened to categorize and assess all types of Bank operations. The policy 4.01 should encompass Social/Environment risk assessment and management for all Bank financial instruments (Development Policy Loans, Program for Results, Use of Country Systems, Financial Intermediaries) to ensure effective outcomes. The new policies should also cover Trust Funds, Grants, Guarantees, Technical Assistance.</p>
	<p>Introducing a certification mechanism for agents that perform EIA and identifying ways to ensure their neutrality. At present, such agents cannot be neutral because they are paid by the project investors/owners/beneficiaries, etc. All investment projects are required to include an EIA but the quality and content of such analyses depend on their authors. According to the current legal framework, EIA requirements focus on hydroelectric plants and micro-hydroelectric plants, but there are no studies or analyses that focus on their cumulative impact on the environment.</p>
	<p>Consider the following changes to OP 4.01, focusing on those DPLs which pose higher social or environmental risks. The addition of the procedures below, which are not exhaustive, would help to ensure that DPLs with the greatest likelihood of adverse social or environmental impact are properly identified and risks are mitigated.</p> <ul style="list-style-type: none"> i. DPLs should be preceded by a Country Assistance Strategy (CAS) that is properly assessed for risk using a SESA, CEA, or other appropriate strategic assessment. ii. DPLs should be subject to environmental and social risk categorization based on a robust environmental and social screening process. The use of this approach for SECALS before 2004 and the approach at the ADB (and currently under consideration by the African Development Bank) indicate that this can be done. Categorization should consider factors such as the distribution of costs and benefits of policy reforms, implementation capacity to carry out reforms or reduce potential adverse effects, association with Category A sub-projects, and existence of environmental or social conflict in the policy area or sector. iii. DPLs should be subject to more objective and effective frameworks for assessing baseline institutional capacity of the government, gaps in their risk management systems, prior actions, and benchmarks for strengthening capacity, along the lines of suggested frameworks proposed by the Bank’s environment department.⁷ iv. Category A DPLs should be required to complete a thorough Environmental and Social Assessment (ESA) prior to appraisal,

	<p>along with proper disclosure and consultation as outlined in OP 4.01. The Bank has already defined in OP 4.01 the types of ESA instruments that could be used: SESA and SEA. As with the relatively successful PSIA, the Bank should further specify requirements for the use of SESAs for DPL prior actions that are likely to have significant effects.</p> <p>v. Category A DPLs should require greater participation and transparency during each stage of the project cycle, beginning with consultation and disclosure of the SESA, followed by the disclosure of the draft Program Document and extending to documented evidence of results.</p> <p>vi. All DPLs should be subject to robust monitoring and evaluation mechanisms, which encompass longer term monitoring of reform process results. Category A DPLs should include provisions for participatory and independent monitoring and evaluation as well as satisfaction surveys or ex-post workshops at the end of the loan to examine key lessons.</p> <p>vii. All DPLs should provide more reliable grievance response mechanisms for stakeholders beyond the Bank's Inspection Panel, which has very limited jurisdiction over DPLs.</p>
<i>Environmental Assessment</i> <i>Natural Habitats</i> <i>Pest Management</i> <i>Forests: provisions related to alien invasive species</i>	<p>Include provisions related to invasive species in the current range of World Bank safeguard policies, particularly those on environmental assessment, natural habitats, pest management and forests.</p> <p>In its operations the World Bank should avoid exacerbating the problem of invasive alien species by ensuring that its lending and project activities fully assess the potential risks involved in the introduction, spread or population increase of invasive alien species. The policies should recognize the following four priorities:</p> <ol style="list-style-type: none"> 1) Intentional introductions: non-native species intended for introduction through World Bank activities (e.g. aquaculture, biofuels) shall undergo a risk assessment to assess their potential for invasiveness and associated economic, environmental, social and cultural impacts prior to their introduction. Those presenting a significant risk shall not be used or suitable risk management measures shall be required. Where possible native species shall be considered. 2) Unintentional introductions: World Bank activities that may result in the unintentional introduction of invasive alien species (e.g. transport, energy development, infrastructure) shall assess the risks of introducing non-native species through these activities and implement appropriate risk management measures. 3) Invasive alien species management: World Bank activities that are directed at the eradication or control of invasive alien species shall include feasibility assessments that incorporate environmental impact assessments, and detailed project implementation and monitoring plans. Use of regulated technologies, such as toxicants, shall be considered and evaluated as part of feasibility assessments. 4) Existing invasive alien species: World Bank activities (e.g. road construction, hydroelectric dams) that exacerbate existing invasive alien species problems shall assess this risk and make provisions to manage the risk. <p>Proper implementation of these principles would require elaboration in a more detailed technical guidance document, particularly in relation to existing safeguard policies around environmental assessments, biodiversity and natural habitats and invasive alien species management. The pest management policy, in particular, should be extended to include management for native biodiversity protection and enhancement as well as food security, water availability, ecosystem services, human health and more broadly livelihoods. As mentioned above, PIP members include a wide range of expertise and would be interested and willing to provide further input and expertise at the appropriate stage.</p>
<i>Environmental</i>	BP 4.01, Annex A - Application of Environmental Assessment to Dam and Reservoir Projects. A terms of reference (TOR) model

<i>Assessment AND Dam Safety</i>	for the applications of EA policies and procedures should be developed and enclosed along with Annex A. Although such Model TORs exist in several borrower countries, it would be beneficial for the Bank to develop its own TOR for a satisfactory application of OP-4.01 in Dam and Reservoir projects. This TOR should stress a Separate Bio-diversity Impact Assessment/Biodiversity Management Plan as has been done and promoted by World Bank India in many Dams and Reservoir projects.
<i>Environmental Assessment AND Pest Management</i>	BP 4.01, Annex B - Application of EA to Projects Involving Pest Management (IPM): Application of OP 4.01 (EA) involving Pest Management has focused so far largely in the agriculture sector, but there are several other sectors such as Urban Planning & Development, where developed countries' institutions have comprehensive IPM. Thus, the World Bank Group should provide adequate support to other sectors with potential IPM applications.
Natural Habitats, OP/BP 4.04	<p>The current language of OP/BP 4.04 does not adequately protect natural habitats. The safeguard policy should be revised to ensure consistent application of the "precautionary principle" to natural resources management, including for areas with possible high conservation areas that may not yet be "known."</p> <p>The updated safeguard policy should contain a commitment that the Bank will not finance activities that lead to the conversion or degradation of critical natural habitats, including activities that propose biodiversity offsets to compensate for adverse impacts to critical natural habitats. Moreover, as with the forest policy, the Bank's mitigation hierarchy should prioritize avoidance over compensation and minimization.</p>
	OP 4.04 should be tied to OP 4.01, and should make clear that whether a project involves significant conversion or degradation should be based on impact assessments developed by independent third parties.
	Natural Resources/Natural Habitats. Prohibit financing of industrial harvesting in intact forests. Conduct a review of existing definitions of critical natural habitat in development bank safeguards, assess areas of consistency, inconsistency. Define "critical natural habitat" to include ecosystems that provide critical ecosystem services, e.g., fresh water, climate mitigation and adaptation, wild food sources. Safeguards should preclude operations in critical habitats unless the operation has a positive conservation benefit. Evaluation of natural capital and ecosystem services should take place during assessment (with economic and social assessments). There should be integration of provisions on specific threats (e.g., invasive species) and specific ecosystems (coastal, high seas). Marine ecosystems deserve special assessment and special protective safeguards, like forest ecosystems.
Indigenous Peoples, OP/BP 4.10, COVERAGE (recommended scope of policy framework)	<p>The following points aim to establish a preliminary draft framework for the areas of concern to be addressed more fully and potentially further enhanced in the Bank's updated Indigenous Peoples policy:</p> <ul style="list-style-type: none"> -Maintain a stand-alone, targeted World Bank safeguard policy for Indigenous Peoples; do not have it collapsed into a "vulnerable peoples" policy. -Ensure the full and effective participation and engagement of Indigenous Peoples at all levels (local, national, regional and international) in all programs, activities, and projects affecting them to make the development process more inclusive. -Include strengthened protections for indigenous peoples' land and territorial rights, including requirements to respect and safeguard collective and customary rights to lands (both traditional lands and those otherwise acquired), territories, natural resources, cultural heritage, and distinct identities. -Recognize and respect the rights of Indigenous Peoples living in voluntary isolation. Under no circumstances should projects be undertaken in their territories, nor should projects with an assessed risk of impacting them be funded.

	<ul style="list-style-type: none"> -Recognize pastoralism as a livelihood and lifestyle and pastoralists as indigenous peoples of Africa. -Include measures to support, promote and respect traditional knowledge at all stages in projects, including assurances that no traditional knowledge will be appropriated, used or developed without explicit, free, prior, and informed consent. -Recognize and respect the rights of Indigenous Peoples in voluntary isolation and implement measures to protect them. -Conduct independent evaluation of IP policy implementation, considering case studies, the experience of experts on Indigenous Peoples issues, and lessons learned. For example, issues analyzed and raised in a very recent book by the World Bank (i.e., Indigenous Peoples, Poverty & Development) should be given due consideration while revising OP/BP 4.10 and 4.12. This book is the first book that documents poverty systematically for the world's indigenous peoples in developing regions in Asia, Africa, and Latin America. Particular attention should be paid to the 2011 Learning Review on implementation of the Indigenous Peoples Policy as well as Inspection Panel investigations of projects affecting Indigenous Peoples. The IP Policy Learning Review, for example, revealed the following shortcomings in implementation that require effective solutions: <ul style="list-style-type: none"> i. Systemic failure to prepare Indigenous Peoples-appropriate planning documents; ii. Widespread failure to appropriately disclose planning documents to impacted indigenous peoples; iii. Lack of documentation related to the required broad community support (and therefore inability to confirm its existence); iv. Consistent inability to address land and resource rights appropriately in projects where such rights are relevant; v. Widespread failure to establish local or national level complaints mechanisms; and vi. Failure to establish the required benefit-sharing agreements for projects where lands or cultural resources are commercially developed.
	Current definitions of “Indigenous Peoples” don’t capture all sectors of vulnerable populations. “Indigenous Peoples” is simultaneously too broad and too narrow a term to be universally applicable; in some contexts the idea applies but the title is problematic, in others the title is applicable but the idea is less necessary.
	Safeguard policies should cover not only investment funding but also include Development Policy Lending (DPL), P4R, and Country Systems as these also affect social, human rights, and environmental issues relevant for indigenous peoples.
	Given the effect that Bank actions have on Indigenous Peoples, the Bank should consider making Indigenous Peoples a cross-cutting issue on all its safeguards.
<i>Recognition and respect of unique rights and status</i>	It needs to be recognized that Indigenous Peoples are holders of rights (individual, collective and ancestral) not just stakeholders or beneficiaries; for that reason, and given their unique structure, they need to be given a differential status in the consultation process. The Bank should hold specific public consultations for indigenous communities only. Additionally, free, prior and informed consent (FPIC) should be recognized in three cases: megaprojects, toxic substances, and when the conditions of life of Indigenous Peoples are affected.
	In pursuing projects that involve Indigenous Peoples, recognize that respect for Indigenous Peoples’ rights is both a legal obligation and a moral imperative, which should include restitution. The Bank should ensure that Indigenous Peoples will not be criminalized for exercising their legitimate right to resistance when they disagree with a project that will be carried out in indigenous territories.
	It is important not to dilute the Indigenous Peoples Policy by merging it with a broader policy on vulnerable groups. Such a dilution would be a significant step backward, confusing the rights that distinct groups enjoy and lowering the standard for all

	groups, especially for indigenous peoples.
<i>Enhanced engagement and harmonization with international standards</i>	In this review and update consultation process, the Bank should speak directly to Indigenous Peoples and make every effort to establish more effective consultative and participatory mechanisms. The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) can serve as a framework. The Bank should adopt a process similar to UNDRIP, which had Indigenous People in the room with the drafters of the principles. The rights of Indigenous Peoples should be defined as “inherent rights of local people” as defined in the UNDRIP, not “interested parties.”
	Establish policy coherence with international standards on the rights of Indigenous Peoples, including the United National Declaration on the Rights of Indigenous Peoples (UNDRIP) (particularly Articles 26 and 33), ILO Convention No. 169 on Indigenous and Tribal Peoples (particularly Articles 8 and 9), the Nagoya Protocol Article 12, Addis Ababa Principles and Guidelines Practical Principles 1 and 2, Akwe: Kon Guidelines No. 60, the Code of Ethical Conduct paragraph 18, and other related international human rights and environmental agreements, standards, and laws. In addition, the Bank should ensure that development projects will not cause displacement/resettlement of Indigenous Peoples and explicitly prohibit forcible removal of Indigenous Peoples from their lands or territories in accordance with international law. Pursuant to these standards, Indigenous peoples’ customs and traditions should be recognized, respected, and protected.
	In aligning OP 4.10 with international standards on the rights of Indigenous Peoples, the Bank should pay particular attention to self-identification. If the policy continues to refer to a set of objective criteria/characteristics, it should ensure that self-identification is accorded greater weight than other criteria and that emphasis is placed on their historical struggle to maintain their distinct political institutions and territorial rights.
<i>Limitations of country systems</i>	The extent of application of the Bank’s policies often depends on the country’s national laws and standards. Thus, if the state does not recognize a community as being Indigenous, whether in constitution or law, then the World Bank does not apply its safeguard policy pertaining to Indigenous Peoples. This is problematic and the World Bank should not limit its application of the Indigenous Peoples policy according to the state’s definition only but should also apply it when a community identifies itself as being Indigenous.
	Country systems have limits, but where rule of law can be strengthened, this could be remarkably powerful in terms of access to justice for Indigenous Peoples. With international standards like UNDRIP, the scope of consent can be much broader.
<i>Better implementation, monitoring, supervision and evaluation</i>	Shift focus more toward monitoring and supervision. The Indigenous Peoples’ social assessment mechanism does not account for self-government/self-determination. Thus, when contemplating Indigenous Peoples Plans, it would be important to require not only a social assessment but also a legal, economic, political and technical assessment. In addition, the Bank should require a human rights impact assessment and a cultural impact assessment in the policy in recognition of Indigenous Peoples’ sacred customs and belief systems in relation to their lands and identities. Essentially, the Bank should strengthen the Indigenous Peoples policy to provide a foundation of self-determination and self-government, and recognize that Indigenous Peoples’ rights are NOT subsidiary or secondary to rights of countries. If a certain IP Plan or Framework is prepared, it must not be prescriptive or impose on the Indigenous Peoples’ rights to self-determination and indigenous governance. Moreover, borrowers should work with and through Indigenous Peoples’ self-governing institutions. The Bank should also ensure that consultations with Indigenous Peoples are conducted in indigenous languages at the grassroots level and include this process in the planning for the World Conference on Indigenous Peoples.

	Local communities and Indigenous Peoples should be involved throughout the process of project planning, implementation and monitoring, as well as in the identification of critical natural habitat. Critically, effective participation must be established as early as possible in project formulation, including during impact assessment, and continue throughout the project until assessment of long-term outcomes.
<i>Stronger protections, engagement, and accountability</i>	The policy must protect the livelihoods of natural resource-dependent populations who could be significantly affected by proposed changes to land, forest and natural resource ownership and management (e.g. engagement with forest dependent peoples). Better guidance on the design of projects and programs for improved forest management, forest conservation, and sustainable livelihoods should be developed to ensure that full consideration is given to resource rights, access, and the substantive engagement of Indigenous Peoples and local communities in the design and implementation of forest management interventions, with strong priority given to the distribution of benefits to these target groups.
	The Bank should require due process of law protections within all consultation proceedings where indigenous peoples' interests and/or rights are subject to determination. In addition, the Bank should require legal recognition and regularization of indigenous peoples' full collective ownership rights to their lands, territories, and natural resources prior to initiation of any development activities.
	Indigenous Peoples do not have adequate access to information about projects and who are financing them. The Panel notes the importance of people's active participation and voice in development processes supported by the Bank. Panel cases demonstrate that people's rights and access to information, to meaningful consultation, and to recourse, as enshrined in Bank policies, are fundamental building blocks of accountability.
	Indigenous Peoples feel they have very little involvement in World Bank projects and they are only consulted when the project is ready. In addition, Indigenous Peoples feel they have limited access to the World Bank and that consultations are done through the state. The World Bank should involve indigenous peoples in the design, implementation, monitoring and evaluation of projects and treat Indigenous Peoples as partners to ensure that States comply with their obligations. The Bank should promote strategic planning for indigenous communities to craft their own development plans to reinforce the World Bank's "do good" orientation. The Philippine Ancestral Domain Sustainable Development and Protection Plan (ADSDPP) can serve as a good reference to better appreciate how IPs conceptualize and implement their development plans and strategies.
	OP 4.10 Annex B paragraph 2 sets forth the elements of an Indigenous Peoples Plan (IPP). Among the elements listed, an IPP should also include: written confirmation from community leadership (in addition to that already called for on the part of the borrower) confirming that the "broad community support" required for the Bank to support a project actually exists. The Indigenous Peoples Plan currently calls for a framework for continued consultation. This framework – called for in OP 4.10 Annex B paragraph 2(d) – should be broad, taking into consideration the particularities and contexts of different communities. In addition to continued consultation, the Plan should call for continued participation by Indigenous Peoples impacted by a project. The Bank should ensure that Indigenous Peoples Plans and Planning Frameworks are developed in a way that enables Indigenous Peoples to determine their own development priorities as collective owners of their lands and resources. Additionally, the Plan should include both monitoring and evaluation, which can indicate successes or failures from which future projects can learn.
	The rights of indigenous people require special attention as they are protected by international law which among others requires the application of "free prior and informed consent." The current concept of "free prior and informed consultation" leading to

	<p>“broad community support” does not provide a sufficient standard of protection. Accordingly, OP should include “free prior informed consent” at least for Indigenous Peoples (as do the revised IFC Performance Standards with regard to relocations from lands and natural resources subject to traditional ownership or under customary law, critical cultural heritages as well as mitigation and development benefits). The social impact assessment and the tenure impact assessment – still to be developed and included in the OP – have to include all indigenous communities that are affected by the project. Indigenous communities should be supported to find consent within their communities.</p>
	<p>The Bank should focus on vulnerable and marginalized groups. 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 or migrant communities who may be in the area for job opportunities. 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.</p>
<i>Natural Habitats and Indigenous Peoples</i>	<p>OP 4.04 should encourage countries to establish rights and policy frameworks that enable communities to remain custodians of local ecosystems to which their lifestyles are closely linked. In regard to protected areas, affected Indigenous peoples and local communities should be involved in the governance and management of protected areas such as through respect for and protection of ICCAs or shared governance mechanisms.</p>
Physical Cultural Resources, OP 4.11	<p>As for Physical Cultural Resources, why are only physical resources taken into account; non-material resources are equally important.</p>
	<p>The Bank does should have one safeguard policy regarding the preservation of historical and pre-historical artifacts for every project.</p>
	<p>The provision of enhancement measures as defined in the policy requires realistic approach. The options for selection of enhancement measures shall remain with the borrower provided the Bank indulges in capacity building of respective project implementing bodies with respect to choosing such enhancement options.</p>
	<p>Paragraph 3 should be revised to explicitly state that these obligations include those found in human rights and cultural treaties and agreements, including the UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions, and the UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage.</p> <p>Paragraph 11 (Consultation) should be updated to reflect international standards regarding free, prior and informed consent.</p> <p>Paragraph 13 (Emergency Operations under OP/BP 8.00) which allows for exemptions from the requirements of OP 4.11 under certain circumstances should make clear that any process for exemptions must be transparent and that communities must be involved in decision making pursuant to their rights to free, prior and informed consent.</p>
	<p>The provision of enhancement measures as defined in OP 4.11, Physical Cultural Resources requires a realistic approach. The options for selection of enhancement measures should remain with the borrower provided the Bank makes capacity building available for the respective project implementing bodies with respect to choosing such enhancement options.</p>
	<p>It would be desirable to include a mechanism in the policy documents for protecting cultural heritage outside a country’s political borders. Representatives of NGOs should also be involved in that process. The situation in occupied territories is also</p>

	noteworthy, because local cultural heritage should be protected there as well.
Forests, OP/BP 4.36	Any project of World Bank should not restrict the forest grazing rights of pastoral communities.
	Traditional Ecological Knowledge (TEK) needs to be taken into account during forest development.
	<p>The policy builds on the Natural Habitats policy and therefore must be revised to incorporate elements of the natural habitats. The Bank should prohibit the financing of industrial-scale forest harvesting in intact forests, particularly in the tropics, while allowing and supporting small-scale, ecologically sustainable management by local communities and indigenous peoples in such forests. Additionally, the Bank should redefine “forests” to properly distinguish between natural forests and tree plantations. The Bank should not rely on existing certification schemes as a proxy for demonstrating the sustainable management of forests, as these schemes do not ensure ecological sustainability or adequate protections for the rights and livelihoods of local communities and indigenous peoples, particularly in tropical forests. The Bank must establish adequate safeguards for the land tenure and resource rights of the 800 million forest-dependent people who are not indigenous peoples but depend on forests for their livelihoods. The Bank should also ensure that investments do not adversely impact the resilience of intact forest ecosystems to climate change and their adaptation benefits for local communities.</p> <p>The new safeguards should ensure that all lending and non-lending activities that directly or indirectly affect forests are subject to the same robust assessment and safeguard standards mentioned above.</p>
	The forests and natural habitats policies need to be expanded to cover important issues such as wetlands and river basins, as well as biodiversity, ecosystem services, natural resource management, climate change, and environmental offsets.
	Current forest provisions are considered by certain groups as outdated and there was a call for a strengthened approach towards forests and eco systems.
	<p>The definition of “forest” in the policy should be revised as follows: “Forests are complex tree dominated ecosystems with particular structural biotic and abiotic components, assembled within temporal and spatial limits and with a self sustained successional dynamic determined by its own biodiversity, including the determining anthropogenic interfaces, particularly with Indigenous Peoples and peoples who adopted their knowledge.” If the Bank chooses not to adopt this proposed definition, the definition of “forest” should at a minimum be made consistent with the portion of the Food and Agriculture Organization’s (FAO) definition of the same term clarifying that “[t]he term [forest] specifically excludes stands of trees established primarily for agricultural production, for example fruit tree plantations. It also excludes trees planted in agroforestry systems” and forest plantations as defined by the FAO in its Global Forest Resources Assessment 2000.</p> <p>The definition of “local community” should make clear that if the local community is also Indigenous, special protections are afforded under international law that should be applied.</p>
	Several issues facing the world’s forests must be carefully considered under the safeguards review process. Addressing the drivers of deforestation and forest degradation would be key. The review provides an opportunity to expand and improve cross-sectoral approaches to address the direct and indirect drivers of forest loss and degradation.
	The policy objectives of OP 4.36 should include recognition, respect and active protection for Indigenous Peoples’ and Community Conserved Territories and Areas (ICCAs), [...] to recognize and respect Indigenous peoples and local communities self-governance of forests, including in accordance with their knowledge, customary law and practices as supported in CBD Articles

	<p>8(j) and 10(c) and to meet the Aichi Biodiversity Targets, including Target 11.</p> <p>In addition, the Bank should not finance projects that contravene a country's human rights obligations, be they international, regional or national, nor should it finance projects that contravene other international or regional agreements, such as the Aichi Biodiversity Targets, or other environmental commitments.</p>
	<p>It is imperative that the Bank retain responsibility for supervision and oversight of safeguards and limit the devolution of responsibility to borrowers or independent forest certification systems— particularly in cases of weak governance. For example, to facilitate such responsibility and oversight of forest and natural habitat-related projects, the Bank must have ample, dedicated staff with expertise in forests and natural habitats. In the case of forest certification, the Bank should supervise and assess compliance with the forest certification criteria delineated in OP 4.36, regardless of whether third party certification is achieved. Where Bank-supported projects would entail the use of borrower country systems, it is important that the Bank evaluate the equivalency and acceptability of the country system, assess technical capacity, and assist the borrower in developing an action plan. In all cases, the Bank should retain monitoring and supervision responsibilities.</p>
	<p>The 2007 Review of Implementation of the World Bank Forest Strategy reported that forest-related safeguards were inadequately triggered and inconsistently applied, and that operational guidance on safeguard application was insufficient. In its analysis of 34 forest-related projects, the review found that only 79% of projects triggered OP 4.36, and 62% triggered OP 4.04— potentially failing to assess, avoid, or mitigate negative impacts for approximately a third of operations. Implementation must be strengthened to trigger safeguards for all projects with impacts on natural habitats.</p>
	<p>To effectively determine the impact of the Bank's forest portfolio against the three original pillars of the 2002 strategy, a common monitoring and evaluation system for tracking the economic, social, environmental, and governance outcomes of forest sector interventions must be developed and implemented. An improved approach should ensure more consistent use of existing frameworks within the Bank Forests Sourcebook, as well as frameworks emerging from collaborative partnerships such as the Forest Carbon Partnership Facility (FCPF), Forest Investment Program (FIP), and other partners with existing safeguard processes.</p>
	<p>The safeguard review must reinforce the importance of forest conservation, ensuring appropriate assessment, monitoring, and evaluation with an emphasis on environmental, social and economic outcomes, particularly for target or client groups, such as indigenous and other forest dependent communities.</p>
<p><i>Forests AND Natural Habitats OP 4.04</i></p>	<p>The safeguards should prioritize activities that increase community participation. Forests provide an important source of livelihood for over a billion people, and the safeguards should recognize this by explicitly requiring a proper assessment of the multiple values and uses of natural resources that takes into account ecosystem services, and affords additional protections for the ecosystem services provided by intact natural habitats.</p> <p>In this regard, the Bank should end its support for industrial logging concessions.</p> <p>With increasing threats to biodiversity as a result of habitat loss and climate change, current safeguard policies must strengthen protections for forests and other natural habitats. Specifically, Bank projects must not support any conversion of critical natural habitats or policies that would promote this, and limit the use of such areas to economic and cultural practices of local communities and indigenous peoples that are compatible with ecological sustainability. A clearer definition of "critical" must be established which includes all high conservation value areas²⁵ and intact forests.</p> <p>Moreover, the safeguards must not rely on the use of offsets as a mitigation option in natural habitats, as there is little evidence</p>

	that offsets are effective in compensating for the loss of habitat, and they face an increased risk of failure when implemented in countries with weak governance.
	<p>Ensure safeguards protect environmental services and values of natural habitats</p> <p>The current OP 4.04 and OP 4.36 recognize the key role forests and natural habitats play in sustainable development and poverty reduction. To support this role, it is critical that the safeguard review strengthen protection for natural habitats and forests, preserving their long-term value and the local and global environmental services they provide. Strong provisions must be in place to protect areas that contain globally, regionally, or nationally significant concentrations of biodiversity values or endemism; are in or contain rare, threatened, or endangered ecosystems; provide essential ecological functions; and are fundamental to meeting the basic needs of local communities or are critical to local communities' cultural identity.</p>
	<p>OP 4.36 As noted by other civil society groups, definitions with respect to "critical natural habitats" or "critical forests," and other key terms, should be refined and aligned to meet best practice, including relevant definitions in international instruments, such as the CBD.⁴⁷ In addition, the Bank's mitigation hierarchy should prioritize avoidance over compensation and minimization. Furthermore, consistent with UNFCCC REDD+ safeguards, the policy should ensure that support for REDD+ activities (at least) does not lead to conversion of natural forests, regardless of whether they are critical natural habitats or natural habitats.</p>
	<p>We request that these recommendations be considered and incorporated into the revised forest and natural habitat safeguard policies.</p> <p>Ensure interventions protect the rights and livelihoods of local communities</p> <p>It is critically important that forest and natural habitat policies not only acknowledge the vital role indigenous peoples and local communities play in environmental conservation, but also ensure that their rights are respected and their livelihoods are protected.</p>
	<p>Ensuring protection of such environmentally and culturally significant areas requires revisiting definitions of the terms 'critical,' 'forest,' and 'degradation.'</p> <p>Strong protection of the aforementioned areas will require a clearer, more inclusive and multifaceted definition of 'critical natural habitat' and 'critical forest'. The definition must include all intact forests and other high conservation value areas, and take into account areas of socioeconomic and cultural value to local communities and indigenous peoples.</p> <p>The Bank should redefine 'forest' to distinguish between natural forests and plantations, consistent with FAO, CBD, and CIFOR definitions. This distinction is important given the reduced biodiversity, ecosystem services, and other values provided by plantations, and would ensure that conversion from natural forest to plantation is recognized as habitat conversion that is subject to safeguards. EBRD's Environmental and Social Policy states that conversion to forestry is subject to due diligence, and IFC and ABD safeguard policies similarly distinguish between natural habitat and human modified habitat.</p> <p>The definition of 'degradation' should be scientifically-based, but also allow for traditional, ecologically sustainable livelihood uses.</p> <p>Revised safeguards must 1) prohibit the conversion of critical natural habitats and 2) prohibit the degradation of critical natural habitats conditioned on fully respecting the rights of indigenous peoples, as well as the economic and cultural practices and traditional knowledge systems of local communities and indigenous peoples that are compatible with ecological sustainability. Conservation of critical natural habitats is necessary for maintenance of biodiversity, ecosystem services, and cultural values. A</p>

	prohibition on conversion of critical natural habitat is consistent with ADB and EBRD safeguard policies, as well as UNFCCC safeguards, which issue the more stringent standard of prohibiting conversion of all natural forest. Additionally, safeguards should prioritize siting interventions on previously converted or degraded land whenever possible, require restoration of all negatively impacted natural habitats, and prohibit industrial-scale logging in intact forests and other critical habitats.
	The Bank should not support operations which result in conversion of natural forest to plantation forests. Where the Bank is involved in supporting plantation forests, it must prioritize the use of native plants and control for the introduction of invasive species. Also, the Bank should distinguish between natural forests, plantation forests, and restored forests.
	The World Bank should not fund industrial large scale logging operations in critical habitat/natural forests. Industrial logging operations, which do not set out to achieve internationally recognized certification and do not safeguard both livelihoods and biodiversity, should not be funded.
	Stronger, more efficient forest certification systems need to be developed at decentralized levels in borrower countries. These FCS must be independent, cost-effective, and based on objective and measurable performance standards that are defined at the national level and are compatible with internationally accepted principles and criteria of sustainable forest management.
	Natural Habitats. Clearer definition of “critical natural habitat” and simple, systematic process for identifying it using existing data, tools and examples, e.g., Integrated Biodiversity Assessment Tool (IBAT) for business.
	<p>Natural Habitats. OP/BP 4.04 must be revised to ensure consistent application of a “precautionary approach” to natural resources management. First and foremost, the Bank must not finance activities that lead to conversion or degradation of critical natural habitats.</p> <p>Second, the Bank should provide a clearer definition of “critical” that is based on participatory procedures and includes those areas essential for maintaining forest-dependent communities’ livelihoods, and cultural identities. Further, “degradation” should be redefined so that it is scientifically-based and allows for community use of the resources so long as the above-mentioned essential functions are maintained.</p> <p>Third, the policy should effectively address the social and environmental risks posed by weak governance and incentivize measures to address governance issues, including illegal logging.</p> <p>The policy should also address the customary rights of natural resource dependent peoples who are not covered under OP/BP 4.10, while maintaining and strengthening protections for the unique rights of indigenous peoples. It is imperative that the Bank ensure that all lending and non-lending activities have consistent goals and approaches—including transparency requirements—to protecting natural habitats.</p>
	<p>OP 4.04 Natural Habitats. One way for the Bank to enhance its support for natural habitats is to join the international community in explicitly recognizing the multiple ecological and livelihood values of Indigenous Peoples’ and Community Conserved Territories and Areas (ICCAs) as a legitimate and effective area based conservation measure for natural habitats.</p> <p>Additionally, OP 4.04 should be updated to make it consistent with the Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity (AAPG) and the Strategic Plan for Biodiversity 2011T2020 and the Aichi Biodiversity Targets (Aichi Biodiversity Targets).</p> <p>The Bank should continue to support and apply the precautionary approach consistent with that set forth in the AAPG.</p>

	OP 4.04 paragraph 5 provides that if a project would significantly convert or degrade natural habitats, mitigation measures acceptable to the Bank must be included. These mitigation measures should also be acceptable—through a process of obtaining free, prior and informed consent—to Indigenous peoples and local communities who will rely on the natural habitat and will be affected by the project.
	<p>Natural Habitats</p> <p>i) Common property resources: Grasslands in semi-arid and arid areas are not wastelands and should not be tampered with by way of jatropha cultivation or monoculture tree planting under externally-funded afforestation.</p> <p>ii) Watershed programmes should not disturb the ecological settings of the area. Planting of non-edible trees not suitable for livestock feeding should be discouraged. After a certain period of restriction(say 5 years or more) livestock should be allowed to graze in watershed areas.</p>
	OP/BP4.04: Natural Habitats needs to be revised by the entire World Bank Group, in view of the latest Convention on Biodiversity held in India in coordination with the Government of India's Ministry of Environment & Forest. The issue of Environmental Flows required for sustainable development of biodiversity should be integrated with country system environmental and water policies.
	Offsets are appropriate only in a narrow set of circumstances, where a positive benefit for biodiversity can be clearly demonstrated and assured in perpetuity. Addressed on a case by case basis, offsets should be assessed (and where appropriate designed and implemented) using a set of strict principles that is rigorously applied.
	There should be additional research conducted on international best practice, including a comparative analysis of World Bank Operational Policies and UNFCCC guidance, a review of lessons learned from REDD+, or a global review of best practice. Such research could help establish a common understanding of how the safeguards can be harmonized with the best global standards.
	The safeguards must ensure the Bank's interventions impacting forests and other natural habitats enhance equity and benefit the livelihoods of those who are directly dependent upon natural resources for their livelihoods.
	Forest and natural habitat safeguards should be applied not only to environment and natural resource sector investment lending, but to all sectors with impacts on natural habitats, and throughout the full range of the Bank's lending instruments. The Bank's lending and non-lending activities should seek consistent, unified goals and approaches to the protection of natural habitats.
Dam Safety	Procedures need to be developed for integrated risk management tools to support Dam Safety Governance. Risk awareness at community levels should be supported, whereby owners, operators, and authorities in charge of dams can be provided with new information to communicate and inform citizens about the tolerable level of risk and the expenses of the investments to be made to achieve it. This approach would enhance social resilience while supporting strategic economic sectors in terms of sustainability and financial stability for the future.
	The Bank should develop formal risk assessment criteria to help identify dams at highest risk and prioritize inspections accordingly. Such criteria may include, but may not be limited to: date of the most recent dam inspection, downstream hazards classification, dam hydraulic adequacy, supervision and monitoring of all inspection recommendations, etc.
	OP/BP should provide a procedure for study of Hydraulic Status and its implications for dam safety.
	7) Require Greater Dam Safety Measures

	The World Bank should require borrowers to design the safest possible dam infrastructure to prevent climate change from provoking dam safety disasters.
	Dam Safety. OP/BP 4.37 and BP 4.37 Annex A should be updated to reflect the best and most current knowledge on increasing resilience to social and environmental risks that occur as a result of insufficient dam safety measures, and the update should occur in a transparent, participatory fashion.
	The Bank safeguards should require an integrated resource management approach to risk assessment of hydroelectric dams that balances resource efficiency with new generation options.
	Oceans and estuaries. Large dams and flow alteration can have impacts on estuaries, which serve as important elements of coastal and marine ecosystems. As foreshadowed in the Bank's environment strategy, which highlighted the high rate of biodiversity loss, the Bank is launching an important partnership to address ocean ecosystem degradation. To complement not undermine the biodiversity and ocean protection goals of the environment strategy, the revised safeguards should strengthen measures to avoid and reduce impacts on estuaries.
	Comments and recommendations on specific policies The Bank should consider the seven general “strategic priorities” outlined in the World Commission on Dams framework. These priorities cover key areas for the improved planning of dams (e.g., assessing all available options for meeting water and energy needs; addressing outstanding social issues from existing dams before building new ones; gaining public acceptance for key decisions; emphasizing the importance of protecting healthy rivers, etc.). The set of 26 “guidelines for good practice” lay out specific actions for complying with the strategic priorities at five key stages of project development.
	Need multi structural policy. In Sri Lanka have interlinked dam clusters. If a small dam fails it affects the large dams as well. So policy needs to look at entire cluster and not just large dams.
Pest Management	More attention to Pest Management is necessary to ensure that the safeguard policies most effectively help achieve sustainable development and positive results on the ground. Effective control or eradication of invasive species from natural ecosystems, including islands, can neutralize the negative impacts of these species on human welfare and allow ecosystems to recover. Tools to control and permanently eradicate invasive species are well-established and can include the use of pesticides. The methods to achieve effective control and eradication are derived from long-established, safe agricultural practices from ground based manual control to aerial crop spraying and fertilizer distribution. The World Bank should acknowledge this great history of successful conservation and human health interventions and amend OP-4.09 to reflect the agricultural, public health, and conservation needs addressed by Pest Management.
Clearer definitions of terms	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

	<p>incorporated into this definition. Stakeholders and impacted socio-economic groups should be identified.</p> <p>“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.</p> <p>“Pay particular attention” is too vague and should be qualified. Additionally, what are the mechanisms (if any) of enforcement and/or regulation.</p> <p>“Participatory process” needs to be qualified and should detail how to facilitate participation.</p> <p>“Continue consultations” should be qualified and quantified.</p> <p>“Advisory panels” should be better defined and include interdisciplinary experts in the biological and social sciences.</p> <p>“Free, prior and informed consultation” should be defined and who should participate in this consultation should be articulated.</p> <p>“Similar methods” is overly vague.</p> <p>“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.</p> <p>“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.</p> <p>“Qualified professionals” should be better defined and examples of professionals should be listed; social scientists should be included.</p>
Transparency, disclosure and information	<p>There is a need to make information on good practice widely available and to share information on how to do things better. There is also a need to change our approach towards disclosure. Presently, there is only limited or partial disclosure. Transparency and availability of information about the Bank’s project requirements and policies for local people should be ensured. Information on project/program requirements for environmental and social protection and remediation should be made available in the local language.</p>
	More transparency should be included in the safeguards especially for early disclosure and to prevent country vetoes over publication.
	It is very important to have public discussions in order to guarantee involvement of all stakeholders; project documents should be sent to stakeholders ahead of time; their suggestions and recommendations regarding the project should be taken into account and the revised documentation showing how those suggestions have been incorporated should be provided to stakeholders before their publication so that stakeholders can respond appropriately. Informing the population beforehand is very important.
	Adequate media coverage of projects in general as well as their environmental and social impacts needs to be ensured. Currently many issues are covered incorrectly and incompletely.
	Apply transparency mandates to provide borrowers with all relevant information prior to decision-making process. Increase transparency and accountability and promote civil society participation in development decision making.
	Revise communications about World Bank-financed projects to make them more easily understood by beneficiary populations.
	Help citizens to access information on the subject of the allocation of public credits. Access of Information remains important Introduce “discharge of transparency”/adherence to environmental standards during procurement (government contracts).

	Efforts must be made to ensure that government bodies disseminate information on the projects being conducted with the World Bank. Few public entities supply complete or updated information on safeguards on their websites.
	<p>Greater use should be made of information technology to ensure transparency and access, for example a central electronic archive. This would allow all stakeholders to have equal and efficient access to information.</p> <p>More information is needed about the Bank's activities, particularly since it emphasizes accountability and transparency in its projects. Bank officials have been asked which projects the Bank is financing, and at which stage it has been included in the process, especially with regard to large dam and hydroelectric power plant (HEPP) projects. Participants noted that specific projects were not mentioned in the documents provided, but they needed to clearly know where Bank investments/partnerships were, so that comments could be conveyed about Safeguard Policies. Bank officials provided information about the projects executed by the Bank and its portfolio in Turkey.</p>
	In certain ADB-funded development projects, monitored data are disclosed on the project website on a monthly/quarterly basis. This could also be done in World Bank-funded projects.
	The Bank should utilize active communication to disseminate information about the safeguard processes. The safeguards need to be shared in a timely fashion with the external affairs offices of the Bank to help them in disseminating the information about safeguards to the public.
	It is important to make the information related to the project available earlier than the loan signature. The loan agreement is published long after the project is in effect. If CSOs and the local community are development partners, they should be able to access data and products about projects before these projects happen.
	The monitoring indicators that the Bank is using need to be known/disclosed.
	The Bank should increasingly mandate disclosure of project documents and strategies in advance of Board consideration, rather than leaving this decision with governments. The Bank should ensure the disclosure of all identified environmental and social risks—including those that developed during implementation or that were left to be determined later by contractors. Finally, the Bank should enhance transparency of Board decisions.
	Transparency is the watchword of inclusive development: In addition to Human Rights, transparency of lending (which includes meaningful consultation and explicit, demonstrable indicators of public interest) should be highlighted up front as a unifying element of all the safeguards.
	Civil society should have access to all documents pertaining to all projects, among which is the draft of the environmental impact assessment, in order to comment on it long before the scheduled Board approval date, and in accordance with international best practices.
	<p>The Bank should directly engage, throughout each phase of the project cycle, with communities likely to be affected by project. This engagement should respect the principles of non-discrimination and inclusiveness, and apply a clear and transparent methodology aimed at seeking information directly from the community on project impacts.</p> <p>The Bank should make public the basis upon which it categorizes a project and the methodology it has used to make the determination. This information should be made public sufficiently in advance of sending the project for Board approval, in order to give communities or other interested actors the possibility to challenge the determination.</p>

	Refusal of projects related to fossil fuel extraction (in the Arctic and deep-water areas).
	Refusal to finance energy projects based on the use of coal and fuel oil. Priority attention to energy efficiency and renewable energy projects. Strengthening of safeguards to include commitments on sustainable use of biological resources (forests, lands, and marine areas).
	The Bank should facilitate greater environmental and social responsibility of Russian financial institution-borrowers through establishing strict requirements to be applied on a continuous rather than occasional basis, and consistently work with them to develop sustainable, binding accountability mechanisms.
	There is a need to apply the so called precautionary principle: proactively consider potential impact of proposed Bank-financed projects on biodiversity due to poaching and illegal trade in threatened species of flora and fauna. Illegal trade in threatened species of flora and fauna is the third largest illegal business in the world, and it is important to prevent the Bank having a role in promoting such business. Safeguards should employ the precautionary principle to protect ecosystem services and prohibit adverse impacts to priority ecosystem services. If there is suspected risk of harm or absence of scientific consensus, the precautionary principle places the burden of proof on the Bank to demonstrate that an action is not harmful. Protection of ecosystem services is consistent with both the pillars of the World Bank's forest strategy and the Green Agenda of its environment strategy. Language on ecosystem services in IFC's Performance Standards and associated Guidance Notes could be used as a model for mainstreaming ecosystem services into the safeguards.
	The Bank could create a list of "sensitive areas of nature" which must not be touched/in which no investment should be undertaken. If the Bank declares in advance to agencies and companies requesting loans that no loans shall be provided for activities involving these predefined areas, it may be possible to avoid problems that may arise later.
	Strengthen existing safeguards to ensure the protection of vital local and global environmental services and values of forests and related natural habitat, taking into account the contribution of these resources to the livelihoods of natural resource-dependent peoples.
Recommendations: Support to Borrowers to Strengthen Country Systems	
Implementation support	A more effective implementation of the safeguard requires anticipating risks, planning to deal with those risks, managing and monitoring implementation, and responding to harm. Proper safeguard implementation requires people on the ground to engage, collaborate and problem solve. Recipient country safeguard systems still need support.
	The Bank works with different parts of the government and its approach needs to be coherent across sectors and areas. For example, coherence is needed between what the Bank is doing with cities, the energy sector, the environment, and the safeguards. Internal coordination inside the Bank would be crucial to ensure coherence across different Bank programs and the Country Partnership Strategy (CPS).
	The Bank's safeguard policies are effective in addressing social impacts and bring benefits to affected people through project interventions. To make them more effective, the Bank should provide more training for Project Management Units (PMUs), and

	especially district land clearance committees to transfer knowledge and best practices. Participants noted that in Vietnam, district authorities are in charge of land clearance, and often have difficulties in following Bank policies. It was also noted that since implementing agencies often require a longer period of time to fully understand the Bank's safeguard policies, the Bank should consider sufficient lead time to plan training before project implementation.
	The Bank can assist the national system in order to gain the capacity which is necessary to properly assess the impact of various investment projects on the environment. Although there is a certain capacity in place, it is neither specific, nor strong enough, especially when cross-sectoral issues are taken into account.
	In order to ensure that safeguard policies are better understood, it is important to also inform public agencies other than the central government (metropolitan municipalities and development agencies), since these institutions lack awareness about safeguard policies although they use a high amounts of funds. It could be useful for the Bank to explain the safeguards to other institutions, regardless of whether they use Bank loans, through a joint platform.
Capacity building, institutional strengthening	The Bank should bring in more advanced concepts, ways of doing things, and knowledge to help countries transform their own system and sectorial structure, through more capacity building and staff training.
	<p>The Bank needs to respond to the need to strengthen institutional capacity, mainly at the regional and local levels. As part of the institutional strengthening program, the Bank could support the review of regulatory frameworks, and the preparation of guides, manuals and guidelines. Institutional support should be provided on a more generalized basis and not only focused on the specific project.</p> <p>On institutional strengthening there are two areas to be considered. Firstly, it is necessary to examine how interagency coordination can be strengthened in multi-sector programs. Secondly, staff turnover in government and between the government and the private sector renders specific training for specific projects ineffective. For the Bank to help retain staff in the government, a more global approach needs to be considered.</p>
	The World Bank should assist governments to strengthen institutional capacity for environmental and social sustainability. In Guatemala, many institutions are weak and need technical support. World Bank funding for institutional strengthening in the field of social and environmental safeguards is essential if we want to improve the social and environmental impacts of projects.
	The Bank should put sustainable development at the center of the policies and include guidelines to help institutions and project executing agencies involved in the project have a coherent understanding of what safeguards entail.
	There is a need for better inter-departmental/ministerial coordination as well as more effective communication with the private sector and other stakeholders. The role of the Bank should be to act as a bridge to facilitate these communications and to help share lessons learned and knowledge across projects and sectors.
	The World Bank should provide technical assistance to train sub-national governments on issues of safeguards also, as they are the ones who implement the projects and often only trained national governments. In addition, the World Bank should provide resources to improve the monitoring of the implementation of safeguards, since due to the high turnover in government, many times people who are trained and who are working in the project design are different from people who implement the project. All development projects should have a component for institutional capacity building. In fact, even when capacity-building is

	done at the project level, the learning and knowledge acquired tends to remain with the individual and the organization. Experience has shown that interventions aimed at building capacity to establish and maintain systems in a risk management framework have raised operational standards. Training initiatives for different sectors have helped to develop human resources qualitatively. Capacity building on audits has assisted in re-evaluating borrower systems and in upgrading in areas where improvement is needed. Technical assistance studies done under the Bank's aegis have helped in building organizational capacity and skill bases.
	Safeguards can help to build country systems: the safeguards can be used to help improve and raise country systems to the highest possible standards that benefit and empower local communities. Country systems – specifically environmental and social safeguards designed and administered through national, accountable, participatory and inclusive institutions -could be complemented by international monitoring, technical advice, oversight and feedback so as to help build country capacity in their design and implementation that sees full CSO and local community participation. Country systems should be demonstrably in accordance with and informed by international safeguards, best practices and principles.
	Bank support of country systems could specifically include the provision of legal assistance for borrower governments and civil society to improve their capacity in making investment decisions, and improve domestic accountability.
	Support ongoing efforts to strengthen country safeguard systems (CSS) and encourage the World Bank to feature strengthening of CSS in the new policy. Lessons learned from previous efforts should be considered when drafting the CSS text for the future safeguards policy. A stronger focus on capacity building is needed, assisting governments in policy work and ensuring a holistic approach to safeguard implementation across government institutions. This is preferable to independently-operating Project Management Units that conclude once a project is completed and therefore do not build on and promulgate all the lessons learned.
	The systems and institutions of Bank borrowers are often not very robust or are in the early stages of development. Capacity building initiatives (e.g., industry forums, training programs, improved social and environmental metrics, etc.) by the Bank in partnership with the borrowers can strengthen these systems and institutions.
	The Bank should invest in providing technical support to borrowing countries in order to help them implement the safeguards.
	In examining the growing role of the private sector in development efforts, the World Bank should lend more consideration to the large differences that exist within the private sector (it should also take into account, to the extent possible, the informal sector, the social economy, etc.).
	Develop a program for government financial institutions that will promote the adoption of environmental and social safeguard principles among private financial institutions.
	Help agencies to improve contractors' compliance with safeguards, similar to the requirement for compliance regarding procurement.
	Environment and social safeguards policies of the Bank are considered best standards/practices and should not only be applied to the public sector, but also be promoted so as to ensure their adoption by the private sector.
	Providing ongoing technical assistance and support to shareholders and clients. Bank-funded projects have been successful

	because they have gone through all necessary stages and countries have benefited from technical assistance throughout all legislative/regulatory stages, such as the social or environmental analysis or the ecological analysis, followed by the actual investment stage.
	Providing support and guidance in order to achieve consistency in implementation at the level of tertiary regulation. In order to better reinforce the requirements of safeguard policies even after they have been incorporated into or harmonized with the EU legislation and/or the national legislation, there remains a pervasive need for support at the level of secondary legislation, but especially at the level of tertiary regulation, which has to do with technical prescriptions and enforcement norms. Such prescriptions and norms often fall under the mandate of national or regional regulating authorities, which usually don't take part in the development of the project/program but whose decisions affect implementation. Usually, such public entities are territorially decentralized and don't have consistent practice with the legislation that governs the framework for applying safeguard policies. In addition to this lack of consistency in monitoring the enforcement of the relevant legislation, there is either a lack of communication or a poor communication between the various public entities that should act in a coordinated manner.
	The World Bank should support defining a country's development model that is comprehensive, sustainable and focus on the potential of each country. The World Bank could build a space for dialogue at sectoral level where all the actors in a sector to discuss specific issues
	Assistance should be provided to strengthen the legislative basis for enhancement of existing mechanisms in regional cooperation in the Aral Sea Basin, through improvement of the organizational structure and legal framework of the IFAS.
	To address the governance deficit experienced in many projects on the ground the new policies will have to find a system to better monitor implementation and address issues as they arise.
	There is a need to make environmental and social legislation more compatible with international rules in order to reflect the patterns of project planning and development in the national system. There is also a need to discuss environmental issues and make strategic decisions during the technical-economic justification phase of projects (for example selection of locations for major infrastructural projects).
	Improve the country systems is the way forward, given the level of low enforcement of policies. Strengthen or identify areas that can push the authorities to enforce environmental standards.
	Social insurance is expanding to rural areas in China in recent years. A major challenge is how to manage the state social insurance fund. It is hoped that the Bank can help.
	Bank safeguards should be introduced into business practices in the following way. Projects involving issuance of infrastructure bonds must be subject to environmental expert review and land management assessment. It is highly important to apply the standards of such expert review to investment decisions.
	The Bank should assist borrowers in the adoption and implementation of international initiatives such as Equator Principles, UNEP Finance Initiative, UN PRI, and Carbon Disclosure Project.
	Focus on more capacity building for implementing agencies on importance of safeguards and how to implement the policies effectively. Build institutional local/national capacity for policy implementation and provide technical assistance. Most countries have laws or norms in their constitutions, but are weaker in terms of how to operationalize laws and policies. Help build capacity

	on key issues, reward good performance on key safeguards issues, and promote legislative reform domestically.
	It is important to note that regional governments are also attempting to adapt their regulations to the Bank's safeguards, but the national level is where substantial progress on regulation has been made. The capacity of regional governments needs to be strengthened.
	The Bank can "influence" regulators so that appropriate measures are taken in a timely manner. Ensure constant coordination with regulatory agencies (i.e., Department of Environment and Natural Resources, in the case of the environment).
	Guatemala needs to establish a robust system of social and environmental safeguards in order to implement the requirements of REDD +. It is important to establish a national committee for social and environmental safeguards and identify synergies between government and the World Bank in order to strengthen government capacities. There is often a gap between national laws and policies to safeguard the World Bank and the World Bank should support the government to close these gaps
	Support the country legal framework and reforms. The reform of the Land Law is currently being conducted and is expected to conclude with an improved legal framework, including on land clearance. This safeguard policy review is especially important for the transport sector which deals with a large number of social issues. From the government side, the transport sector has proposed a separate legal framework on land acquisition. In other reforms, the transport sector is also drafting a policy to make infrastructure more climate-resilient and green. It would be desirable to have the Bank's guidance for this proposed reform, and participants expressed hope for Bank support to the borrower for helping these new legal frameworks reach international standards. Support for strengthening the country environmental law and regulations. Vietnam is currently revising its Law on Environmental Protection (LEP). The scope of the revision also includes the incorporation of International Conventions (e.g., Stockholm Convention on Persistent Organic Pollutants, Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and Their Disposal, etc.) and strengthening of the environmental assessment process. The donor community, including the Bank, should take this opportunity to help strengthen the country's environmental management regulations, enforcement, and implementation capacity.
	The Bank can support information and knowledge sharing (e.g., SEA) with other countries, and pay more attention to the development of policy in China.
	The weakness of the Safeguards is in implementation and in dealing with local community concerns. The Bank must build capacity in this regard. The Safeguards review should apply across all instruments (not just investment lending). There also is a need to improve the quality of Bank advice to better inform national laws and transparency.
	Strengthening countries institutions and systems remains a priority for the Bank and other parties and is necessary to reduce the high transaction coats of parallel systems, as in the example of Ghana
	The South African Government is not always consistent in its approach to the private sector. We are in a transitional period; and it would be important to have guidelines appropriate to create the right interfaces. As the Bank is also working on private sector participation, it would be good to have some guidance on good practices and experiences from other countries.
	One role that the Bank should consider playing is to help emphasize the national environmental function, the national mandate we have and the national assets for the people. Environmental management is a concurrent function – sometimes, issuance of

	provincial/municipal environmental licenses conflict with the national approach. There should be a requirement in place that the center must endorse provincial/municipal EAs or that they report to the national government about their activities and that they take into account the national mandate and national assets.
	Going forward, the World Bank role is to ensure that country laws are functioning. The Bank must put people on the ground to monitor. Now that the country borrowed for the Eskom project, it will have to pay back its loan. The Bank must commit to the welfare of the communities and ensure that Bank funded projects do not destroy our communities.
	The promotion of social, economic and environmental sustainability in the context of a specific project should always contribute to the improvement of national policies and global practices. For Switzerland the desirable outcome is a framework that provides a set of clear social and environmental objectives that the partner country would be able to achieve over time thanks to the World Bank's support.
	To help the borrower country adopt enabling laws and policies that enables the structure for full and effective involvement and participation of people with disabilities in the formulation of the project design
<i>Support to improving national legislation and systems Involuntary resettlement</i>	Provide technical assistance regarding the proposed environmental impact assessment law that is pending in Congress. Technical assistance and training is requested on international best practices of management and protection of historical sites, in particular on the possibility of private entities, based on private-public-partnerships, to participate in management/protection of historical sites.
	Assistance is needed to improve social support systems for workers engaged in hazardous industries as well as practices to improve industrial safety. Bank assistance would be beneficial in fighting forest pests, identifying possible pest hotspots, and developing detailed approaches to tackle such issues.
	Several projects have been implemented over the years in which the Bank assisted Georgia in improving legislation concerning plant protection, elaboration of effective methods of pest management etc. Unfortunately, the good examples were not followed in practice for a variety of reasons. The Bank could help to promote good international practice in pest management in Georgia through its Pest Management policy, in particular through requirements regarding integrated protection of plants. Technical assistance would also be needed along with the requirements.
	Supporting country legal framework. The reform of the Land Law is currently being conducted and is expected to conclude with an improved legal framework, including on land clearance. This safeguard policy review is especially important for the transport sector which deals with a large number of social issues. From the government side, the transport sector has proposed a separate legal framework on land acquisition. In other reforms, the transport sector is also drafting a policy to make infrastructure more climate-resilient and green. It would be desirable to have the Bank's guidance for this proposed reform, and participants expressed hope for Bank support to the borrower for helping these new legal frameworks reach international standards.
	Given the fact that the World Bank safeguard policies have become a global standard for the other partners in terms of the development process it would be considered useful to promote them in Russia. Taking into account insufficient awareness of the Russian forest industry about such procedures, one could recommend the bank to strengthen such systems and institutions in Russia and extend the scope of environmental and social risks. The above documents state that 'Where a borrower lacks such

	capacity, the Bank could deliver tailored capacity and institution building programs to strengthen the borrower's institutions and systems. This approach is consistent with trends in the international development community to move toward a collaborative and facilitative model between funding institutions and borrowers.'
Support to improving national legislation and systems	Biodiversity offsets should not be used to compensate for adverse impacts on critical natural habitats. Insufficient empirical evidence exists to support the effectiveness of biodiversity offsets in mitigating such impact on critical natural habitats, and a significant risk of failure exists when implemented in countries with weak governance. In the case of adverse impacts on non-critical natural habitats, offsets should only be used as a last resort and only where there is adequate governance, including a robust legal and administrative framework and sufficient capacity to implement a national conservation strategy—with regional considerations where necessary—that ensures offsets result in no net loss and/or a net gain with respect to species composition, habitat structure, ecosystem function and traditional use and cultural values associated with biodiversity. Offsets would need to be part of a national offset plan within a national conservation strategy that takes into account direct, indirect and cumulative impacts of development, is developed in a transparent manner with the full and effective participation of relevant stakeholders, and is reviewed by independent experts, including the incorporation of traditional knowledge where appropriate ³¹ . Offsets must be permanent-or last at least as long as the impacts they compensate for, include sustained funding where necessary to achieve this, be additional to what would have occurred in the absence of the offset, and include adequate long-term monitoring, verification and evaluation. Offsets should be in place prior to the realization of adverse impacts on a natural habitat, preferably with prior demonstration of their effectiveness.
	As part of developing CASs, the Bank should require borrowers to submit national biodiversity strategies and action plans (NBSAPs) as set forth in CBD Decision IX/8.40 Information regarding measures for protecting natural habitats should include how borrowers will seek to implement the Aichi Biodiversity Targets as well as how specific projects would affect these targets.
	Some countries are vulnerable to many environmental problems that need to be addressed on both the national and local level or the level of the local communities (e.g., farmers in issues like land degradation). The Bank should support both levels to ensure effectiveness. Bank technical assistance and training are key on environmental issues and social sustainability.
Recommendations: IEG Evaluation aspects to consider	
Consideration of lessons learned	<p>It is important that the updated safeguards take into account analysis and lessons learned from the Bank's internal oversight and accountability mechanisms, particularly the Inspection Panel, Independent Evaluation Group and Integrity Vice Presidency, external analysis from civil society, the voices of impacted communities, and legal and policy developments in other multi-lateral processes and agreements.</p> <p>For example, the safeguard review provides an opportunity to update the forest and natural habitat policies to reflect international best practice and lessons learned. More robust safeguards can be created by learning from the Bank's own projects, through Inspection Panel cases, the 2013 IEG evaluation of the World Bank Forest Strategy implementation 1, as well as related policy developments such as emerging REDD+ guidance and standards of other multilateral banks. The Bank must commit to making the existing safeguards even more robust and effective in order to address heightened threats to local and global ecosystem services and the impacts of these losses on vulnerable peoples.</p>
	There should be time allocated in the review process for incorporating lessons already learned (particularly on implementation)

	from the Inspection Panel and from previous Independent Evaluation Group (IEG) reports. If previous lessons have been learned, then this should be more explicitly explained in Safeguards Review documentation. There is a need for the new framework to include a component setting out how the World Bank will improve arrangements for safeguard implementation. Without this element any new safeguard framework would be incomplete.
	Consistent with reports from the IEG, the Bank should reform its staff and management incentive systems, provide sufficient funding to ensure effective safeguard implementation, and address the long-standing weaknesses in monitoring, evaluation and supervision. The Bank must elaborate in detail on mandatory due diligence procedures to ensure that safeguard requirements are fully met by project proponents.
	The IEG specifically states that the World Bank should focus on strengthening country institutions and systems to manage environmental and social risks. Until country systems are at a level that can ensure the monitoring, reporting, and implementation of safeguards, they should not be used.
	The recent IEG Evaluation of the Bank's Forest Strategy implementation found that while the Bank has contributed to environmental outcomes, forest interventions other than participatory forest management have failed to properly balance the aims of poverty reduction and environmental aims. The safeguard review should heed the IEG's conclusion that "poverty reduction, for the most part, has not been satisfactorily addressed" in World Bank Group forest interventions. Important steps towards addressing the IEG's recommendations could be achieved by incorporating key concepts into safeguard policies, such as expanding participatory forest management and community participation in forest sector interventions, and utilizing more refined outcome indicators to measure the sustainability of forest interventions.
	The revised safeguard policies should implement all the recommendations given by IEG regarding the free, prior, and informed consent of Indigenous Peoples and adopt new best practices in this area to overcome deficiencies observed by IEG.
	The IEG study pointed to the importance of a partnership with clients, third parties, and local communities to enhance ownership and results. The Bank should bear in mind that this partnership must include Disabled People's Organizations in order to make sure that the interests and needs of persons with disabilities are represented.
	The IEG evaluation showed that the cost of safeguards is lower than the benefits. This supports the argument to strengthen them. The Bank can look at the safeguard not as a transaction cost but rather as an instrument to create benefits. Go beyond doing no harm, and stress the positive benefits as opposed to just mitigating negative ones. The ambition should be for the Bank and IFC to be standard bearers. This means that the Safeguards have to be as clear as possible and enforceable. The standards should clearly spell out what is expected from borrowers, without leaving room for interpretation.
	In light of the IEG finding that Participatory Forest Management has been effective in delivering livelihood enhancing benefits and positive environmental outcomes, the Bank should scale-up existing community-based efforts. Furthermore, community-based natural resource management provides the additional benefits of community institution building and a minimum guarantee of predictable access to land for land-insecure communities. Safeguards should play a role in facilitating community-based natural resource management by, inter alia, ensuring that criteria for harvesting operations do not disadvantage local communities. Given the environmental and social shortcomings of industrial-scale logging articulated by the IEG Evaluation, the External Advisory Group on Implementation of the World Bank's Forest Strategy, and others, alternative forest management

	models should be encouraged—community-based forest management principal among them.
	The 2013 IEG Evaluation reveals poor implementation of forest certification requirements in the IFC, noting that “despite increased efforts by IFC to support certification... challenges remain in this area,” including the failure of the majority of projects producing or using wood from natural or plantation forests to achieve certification. These same challenges undoubtedly apply to World Bank public sector investments. Safeguards should clearly outline standards and indicators by which to measure whether operations are supporting natural resource management in an ecologically and socially sustainable manner. A clear process should also be delineated for determining whether significant conversion of natural habitat is warranted on a per project basis. In regards to the existing forest certification standards enumerated in OP 4.36, it is important to recognize the limitations of certification. Certification cannot substitute for social and environmental standards established and supervised by the Bank, nor does it address underlying issues such as land tenure and governance. Third party certification is also often unsuitable or infeasible for smallholders.
	The IEG report underlined how the IFC Performance Standards cover more issue areas that are relevant to the World Bank’s investment project portfolio than the World Bank’s current safeguard policy framework. Therefore, the Bank should align its approach to environmental and social sustainability with the IFC Performance Standards. The IFC approach could serve as a starting point of reference that the World Bank could improve.
	As recommended by IEG, safeguard policies can and should be updated to apply effectively and efficiently to all types of Bank activities including Development Policy Lending and Program for Results Financing. Limiting the safeguards review to investment lending would pre-judge the outcome of the review and pre-empt the learning and discussion that is needed to make informed decisions. Instead, the safeguard policy review should examine the safeguards’ existing language on scope of application along with all the other language of the safeguard policies.
	As noted in the IEG evaluation, Development Policy Lending (DPL) was one of the main instruments used for forest policy reform between 2002 and 2011; yet there has not been an in-depth analysis of safeguards for DPLs beyond Product Documents, and the current safeguards review limits its scope to safeguards of investment lending. Because forest sector DPL is an important instrument for concession reform, the scope of the Safeguards Review should be expanded to include such instruments, to better manage and maintain forests’ environmental, economic, and social benefits, and to better integrate the results of the safeguards review across sectors that may directly or indirectly impact forests and natural habitats. Essentially, safeguards must be expanded to programmatic loans such as DPLs, since these instruments have the potential for significant and long-term environmental and social impacts but are not bound by the same level of protective standards.
Improve implementation and disclosure practices	The IEG evaluation of the safeguards is an important departure point. It highlights the importance of fixing weaknesses of safeguards implementation and how to improve their application and implementation, which is critical.
	All the safeguard policies need to be defined and redefined based on data gathered during the consultative process under varying host country conditions. The IEG report highlighted that better monitoring, documentation, reporting, and disclosure of environmental and social impacts are needed to improve the quality of cost benefit analysis.

<i>Better supervision, monitoring, evaluation and accessibility</i>	Evaluations from the Independent Evaluation Group (IEG) and Inspection Panel cases have shown that the safeguards supervision process is not working and represents an aspect of the policies that needs strengthening.
	The IEG report stated that one third of World Bank projects had unrealistic safeguard ratings and weak monitoring and evaluations. Regular reporting of the implementation and outcomes of the safeguards should be a prerequisite of any funding to a client/borrower. These reports should be made publicly available and accessible to a wide variety of stakeholders in a culturally appropriate way.
	As recommended by IEG, the World Bank should include performance indicators on environmental and social outcomes in the results frameworks of its projects and ensure systematic collection of data to monitor and evaluate safeguards performance.
	The IEG has found significant monitoring deficiencies in Bank projects. To address them, the Bank should systematically integrate clear indicators of social performance and explicit standards for compliance with the safeguard framework during project supervision. In addition, the Bank should budget the cost of evaluation and monitoring in the project planning and expand the use of third-party and community participation in the project supervision and evaluation. It is also necessary to increase State accountability vis-à-vis the Bank in the implementation stages.
<i>Robust impact and risk assessment with greater transparency</i>	Certain Bank interventions and the recent IEG Evaluation both support the need for more rigorous risk assessment to ensure that policy reforms avoid significant harm. Measures such as risk categorization, greater transparency and participation, and more robust monitoring and evaluation could be introduced through this safeguard review.
	The 2010 IEG study highlighted the importance of developing a comprehensive social assessment of community impact, which would enable early identification of vulnerable groups. Such an assessment would be particularly important for persons with disabilities, since disability and poverty are inextricably linked.
	On climate variability assessments — Independent Evaluation Group found that of the 9 dams recently financed by the World Bank Group (since the Strategic Framework on Development and Climate Change), only 3 explicitly assessed impacts of climate change and project economics. Appropriately scaled hydro-climatic variability assessments must be required to simulate future hydrological variability trends and their impacts on investments' economic viability.
	The 2013 IEG evaluation reports that “the monitoring and reporting systems of the World Bank forest sector operations are inadequate to verify whether its operations are supporting forest management in an environmentally and socially sustainable way.” Inspection Panel reports have similarly noted deficiencies in the assessment of impacts on local communities and the environment, as well as due diligence and supervision in the implementation of current safeguards. It is apparent that improved guidance and oversight of safeguard application is necessary, including selection and monitoring of appropriate social and environmental indicators throughout the life of projects and programs. The Bank must also take into account governance risks when considering the potential for social and environmental harm from natural resource-related interventions, including governance risks in the forest sector, which are closely associated with illegal logging.
	The IEG study saw the value of client country policies, follow-on programs, and projects that are not piecemealed but coherent,

	as well as the importance of consistent policy planning and program/project implementation. The strategic aspect of the Bank's revised safeguards needs to start with the Strategic Environmental and Social Assessment (SESA) to clarify what client policy positions are before engaging in programs and projects. The Strategic Environmental and Social Assessment (SESA)/Environmental and Social Management Framework (ESMF) and tiered Environmental Impact Assessments (EIAs)/Environmental Management Plans (EMPs) approach could serve this purpose.
	Concrete performance indicators to assess resettlement outcomes must be devised and included in a project results framework, as recommended by the Independent Evaluation Group to ensure that resettlement performance becomes an important dimension when assessing the project's development objectives. These indicators and results of performance evaluation must be disclosed to the public. All information relating to resettlement monitoring must be disclosed: The revised policy must state clearly that all reports and documents relating to the monitoring of resettlement outcomes must be disclosed both to affected people and the general public. They must also be made available in easily accessible locations.
Recommendations: Emerging Areas	
Need to be considered	All emerging areas should be considered during the review and addressed in the next generation of safeguards. The key issue would be to ensure that the policies can be implemented on the ground.
	For many organizations, the World Bank's safeguards policies revision process should account for a number of areas of concern related to climate change and water, as well as the impacts of these on the human rights of people and communities.
	The Center addresses several of the Bank's "emerging areas" relevant for indigenous peoples — human rights; FPIC; and land "tenure" and natural resources. In our opinion, the Bank must address these areas in a way that is consistent with the particular status and distinctive rights that indigenous peoples enjoy under international law. For instance, in its approach to human rights, the Bank must recognize that indigenous peoples are entitled to collective human rights as peoples—i.e. the right of self-determination and collective ownership over their lands and resources. No other group enjoys said rights. We strongly urge the Bank not to use these broad concepts without addressing their specific legal meaning within the context of indigenous peoples.
	In order to improve work efficiency, dialogue around the emerging areas should also be conducted through other platforms, not only the safeguard policies.
	Address Policies Gaps. There are some important gaps in the safeguards policies, including the absence of Labor Standards, gaps in human rights (safeguards do not comply with international human rights law), addressing the global commons, particularly oceans (they are still just country based). Other gaps are: excluding some vulnerable groups from the overall scope of safeguards; ignoring the significant role people with disabilities could play in the development process; no requirement to address unique needs of children, resulting in projects with detrimental impacts on them; inadequate protection of natural habitats; and no recognition of the right to Free, Prior and Informed Consent for Indigenous Peoples.
Enhance current safeguard policies	The scope of existing Bank safeguards must be expanded to address gaps in the current framework. Specific thematic areas of importance to the safeguard review process include: social and environmental assessment, human rights, discrimination, indigenous peoples, involuntary resettlement, labor rights, gender equality and women's rights, children's rights, rights of persons with disabilities, land rights and projects in disputed areas, climate change mitigation and adaptation, natural habitats,

	<p>forests, dam safety, and ecosystems and their values.</p> <p>The Inspection Panel supports and appreciates the current effort to update and improve the safeguard policies, including the consideration of new thematic areas, some of which have been reflected in Panel cases.</p> <p>While policy expansion is definitely a positive development, the Bank should maintain a balance to avoid transforming itself into an institution of political influence.</p>
	<p>In general, the Bank should consider the inclusion of areas that have traditionally been disconnected from its safeguard policies (e.g., disability guidelines). Moreover, the Bank must work to enhance the relevance of its safeguard policies to client needs. Many important issues (e.g., occupational health and safety; workers' rights to a fair wage and safe working conditions; hours of work and rest periods; social security; child labor; forced labor; non-discrimination; gender equality; and equal treatment for migrant workers) do not receive adequate attention in Bank projects, because they are not defined as safeguard risks. The narrow coverage of social safeguards in Bank projects compared to IFC and MIGA leads to an underestimation of the most relevant, serious, and widespread risks. Explicit policies are needed to assess the climate and community impacts of projects financed by the World Bank. Current policies do not address the challenges that climate change presents to recipient governments, affected communities, local ecosystems, and the global commons.</p>
	<p>SDSG adds its support to earlier requests that the World Bank consider 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.</p>
	<p>The categorization and contents of additional safeguard policies currently envisaged (human rights; labor; occupational safety and health; gender and disability) may need to be revisited so as to ensure that the various categories are recognizable worldwide and more easily understood by those expected to align their actions with the policy.</p>
Integrated policy approach	<p>All emerging areas - disability, labor and occupational health and safety, human rights, land tenure and natural resources, free, prior and informed consent of Indigenous Peoples, gender and climate change - should be addressed during the review of the policies and included in the new integrated framework. The right to life and food, water, and protections from disasters and implementation plans should be incorporated as well.</p>
	<p>The Bank can have a more general safeguard policy to cover all emerging areas as well as existing ones to avoid overlap and duplication.</p>
	<p>To manage forests more effectively, forestry and Indigenous Peoples policies need to be better integrated with emerging issues such as climate change, landholding, and natural resources. Steps must be taken to analyze how to harmonize the parallel REDD+ program with the incorporation of a number of emerging issues.</p>
	<p>There should be more flexible backup policies without weakening (especially anything related to land and compensation of employees); for emerging issues, it would be useful to integrate them across all the policies in place in order to streamline the topics covered by the safeguard policies.</p>
	<p>Safeguards must be inclusive; they must include all issues like labor, disability, gender, etc. Cultural rights must also be included in human rights.</p>
	<p>Integrate environmental and social considerations. On social, go beyond involuntary resettlement and Indigenous Peoples. On</p>

	seven emerging areas, five of them merit being addressed in safeguards but not FPIC or human rights (i.e., the five areas should not be treated as guidance).
	There was agreement that rather than a specific new safeguard policy on human rights, issues on the topic relevant to the Bank's work could potentially be addressed through other safeguard policies, e.g., labor and occupational health and safety.
	The emerging areas should be integrated into the safeguards because they are crosscutting and not stand-alone topics. Crosscutting issues, such as climate change, citizen participation, prior consultation, etc., are very important. They need to be standardized in all sectors through sector regulations and an adequate risk-management framework. A platform for the exchange of crosscutting measures needs to be considered.
	The emerging issues may be treated as specific or as cross-cutting questions within the safeguards, under the concept of "inclusion" (gender, sexual diversity, disabilities, minority groups, etc.). However, it is believed that a "two-track" approach would be preferable, with specific as well as cross-cutting considerations. Safeguards should focus on human rights, with emphasis on inclusiveness; the Bank should not provide funding for projects that are non-inclusive.
Apply national laws and standards	Analysis of the incorporation of emerging issues should cover the relevant national legislation, because several of these issues are already incorporated into national law.
	In areas where the law of the land addresses these emerging issues, the Bank should give more consideration to the culture and traditions practiced by the host country.
Apply international treaties and agreements	The statement made in the approach document that "emerging issues will be considered" is very vague. The "if and how" wording in the approach paper relating to these issues should be dropped. On these issues, it is important to take existing international regulations into account (e.g., the conventions of the International Labor Organization and human rights treaties and declarations), and adapt to them. It was suggested to include the topic of labor and working conditions, which is covered by the IFC Performance Standards.
	The Bank should consider the principles of human rights, labor standards, the environment, and anti-corruption outlined in the UN Global Compact. It should also consider areas like gender and disability. These are two of the most common grounds of labor market discrimination and social exclusion. Discrimination on both grounds is prohibited under several international labor conventions, two of which are fundamental.
Consider operationalization and applicability	Attention should be given to addressing issues in the overall policy framework in a way that is applicable in developing countries. The solution to these problems (i.e. climate change, biodiversity loss, ocean acidification, economic and forced migration and epidemics) depends on the socio-economic development of the country, and this fact must be taken into consideration.
	Issues related to land, natural resources and ecosystems, urbanization, emergency or economic migration, marginalization and inequality, food and energy crises are just a few basic questions that need to be addressed in ongoing projects and programs of the Bank, as well as poverty.
	The emerging issues involve a wide variety of concepts. It would be important to distinguish between principles and values, risk concepts, and operational principles, for example.
	Be very careful in including any of the seven emerging issues; the Bank needs to be cautious, especially in areas where the international community has not reached consensus, e.g., human rights and climate change. This will make it even harder to do

	Bank projects. The inclusion of emerging issues in the policies of the World Bank safeguards could overload the capacity of governments to implement them. The Bank should be trying to reduce requirements, not add. The updated safeguard policy could take into account some emerging issues (e.g., climate change), but due diligence must be done so that the policies remain implementable and the requirements are practical and operational. These issues need careful study especially on how to operationalize them if included in Bank safeguards. The assessment needs to focus on project-related impacts, not on generally analyzing all the emerging issues.
	The Bank should show a lot of intellectual and operational flexibility, especially when multiple stakeholders are involved in addressing these emerging issues. The process changes needed of the Bank must be dynamic, not only at the program and project level, but the policy level, too. The habit around the world has been to hone in on “adaptive management” which is code for program and project adjustments on the ground. This approach totally neglects the primary cause of country-wide as well as global problems by making country policies invisible to strategic assessment. Alternatively, the Bank should use the SESA/ESMF and tiered EIAs/EMPs approach, which sets up an “adaptive policies” or “adaptive safeguards” process. For examples, see the US Department of Energy, Bonneville Power Administration’s Business Plan Final Environmental Impact Statement (DOE/EIS-0183) and Fish and Wildlife Implementation Plan Environmental Impact Statement (DOE/EIS-0312), which are essentially a policy SESA. Additionally, examine the Records of Decision for both to understand how the ESMF could function. The tiered Records of Decision for implementing programs and projects (representative of the tiered EIAs/EMPs) for these two policy SESAs are available for review. This process has been tested and proven for over a decade. These documents are at: http://efw.bpa.gov/environmental_services/Document_Library/Business_Plan_EIS/ and http://efw.bpa.gov/environmental_services/Document_Library/Implementation_Plan/ .
Recommendations: CLIMATE CHANGE	
Need to be considered	Climate change is an important issue; the safeguard review should address it (e.g., support phasing out of fossil fuels) and look at the ramifications. The Bank should consider the induced impacts of climate change over the medium and long term. For instance, the promotion of solar energy has implications for land availability, water availability and utilities. Climate change can also have ramifications between nations and within the state. Given these impacts, the Bank must view climate change as a priority issue. It should use its influence during the consultation process with stakeholders and other international organizations to address the challenges of climate change and use of clean technologies.
	Special methodological procedures are needed to allow assessment of project climate change impact, as well as relevant climate change mitigation tools. Each project should include a clear calculation of its carbon footprint, and it must be compared with other alternatives (including the no project alternative). The methodology for the calculations should allow for comparison (direct or via re-calculation) with data received by other bodies, at the least with IPCC data.
	The climate change agenda should be integrated in all areas of cooperation between the Bank and Russia on a mandatory basis. A joint action plan to address the problem (both climate change adaptation and mitigation) should be developed. Special restrictions should be established in sectors where climate change is especially evident. The action plan must be harmonized with the RF Climate Doctrine.
	There are no clear guidelines as to how climate change is assessed. No assessment of climate change impact of the WBG’s non-

	energy portfolio and not enough assessment of energy portfolio.
	A possible model for the approach that the World Bank could take is the Performance Standards of IFC. On one hand, in terms of thematic coverage, there are areas in which the IFC Performance Standards are better, and they're going further than what the Bank has. There are also important areas that are not addressed. For example, the IFC is not delivering on climate change. The IFC over-relies on self-monitoring and self-reporting, and that may not work. The Bank has to have an institutional system to monitor and ensure that safeguards are being implemented. It will be a dilution to shift from Bank oversight to the sort of IFC type of operation with self-reporting and self-evaluation.
	The World Bank should incorporate climate change in new safeguard policies, taking into account this issue not only in the project design, but also in implementation. The issue of adaptation is very important in Guatemala, where for example there has been a power impact on coastal populations due to climate change.
	The World Bank should take into account the dimensions of gender and multiculturalism in projects related to climate change and how the consequences of this phenomenon affect more vulnerable people.
	Policies should be framed so that spillway gate operations of dams are considered very seriously in the context of climate change.
	Future Climate Finance Architecture and safeguard policies: Any safeguard policy changes should be considered in light of the work supported through the Green Climate Fund.
	Climate change is an existential risk we face. The new Bank president has taken on climate change. But what you measure is what you value. Currently, the Bank uses only income-based measures like GDP because the Bank is dominated by macroeconomists. But the Bank needs to be concerned about the quality of growth, not just the quantity. Genuine Progress Indicators by Maryland Governor Martin O'Malley (first used by Florida in 1979) account for environmental and social impacts of growth. The Frontier Possibilities Index measures government compliance with economic and social rights. There is nothing preventing the Bank from building on these indicators.
	On Climate Change the Bank should leverage its role at the macro-level as well. Since generally at International Conventions (such Kyoto or Rio) there are mainly environment ministers, but not finance ministers, the Bank should encourage finance ministers and/or other officers with spending commitment authority to attend, so to ensure adequate funding support.
	It is hoped that the Bank's involvement in environmental issues will serve as a trigger for solving other global issues. Significant scientific advancements have been made with regard to climate change. The impact upon the ecosystem has also been increasing. These need to be taken into consideration.
	At the individual project level, the magnitude of climate change impact (e.g., greenhouse gas emissions) tends to appear smaller. A comprehensive review of climate change impact assessment is required.
	Given the complex linkages between climate change and development, the review on safeguards should yield tangible and practical progress in the area of climate change, if necessary in parallel or ahead of the United Nations Framework Convention on Climate Change (UNFCCC) process.
Changes to EA to include climate	The Safeguard Policy Review presents an important opportunity for the Bank to adopt best practices for promoting climate sensitive and resilient development in its project selection, appraisal, and alternatives assessment. Specifically, the

change	<p>Environmental Assessment Policy should be strengthened to:</p> <ul style="list-style-type: none"> -Require the use of full life-cycle accounting; -Prioritize end-use resource efficiency improvements; -Assess the climate resiliency of supported projects and the impact of projects and programs on the climate change resilience and adaptive capacity of local communities; -Require clients to manage the risks to the project and its impacts on local communities and ecosystems in a changing climate; -Ensure coherence between World Bank supported initiatives and national climate strategies; -Quantify the emissions of long-lived greenhouse gases and short-lived climate pollutants of the project, and account for their costs; -Refuse to support projects that net-produce hydrofluorocarbons; -Adopt rigorous efficiency standards for the plant and equipment of the projects it supports, -Apply the “mitigation hierarchy” to issues of resource efficiency, energy use, and emissions; -Require the use of Best Available Technology as part of the mitigation hierarchy; -Establish criteria to shift from fossil-fuel dependent development paths and prioritize support for low and no-carbon initiatives, including off-grid and mini-grid renewable energy, and improved end-use resource efficiency where regulations and/or market distortions incentivize throughput and investments in fossil fuel-based supply expansion.
	<p>The safeguards should prevent any harmful impact on climate to occur out of Bank activities, and should place effective provisions against carbon dioxide emissions. If not avoided, emissions undermine the Bank’s objectives of poverty eradication, and sustainable development. Moreover the safeguards must be binding for all climate finance activity.</p> <p>World Bank should evaluate the CO2 impacts of its lending portfolio, and have performance targets for level of lending to energy efficiency and renewable energy The World Bank should assess the CO2 impacts of all its financing, and disclose the impacts of each project, as well as the annual gross and net impacts. The World Bank should set a target for lending to energy efficiency and renewable energy.</p>
	<p>As a guiding principle, the Bank should recognize that the goals of climate sensitivity and resilience need not be in tension with its mandate to alleviate poverty in an environmentally responsible manner. Ample opportunities exist for the Bank to support projects that capture synergies among these objectives. Therefore, in accordance with the Bank’s new Environment Strategy, the Safeguard Policy should narrowly focus the Bank’s efforts on systematically identifying and capturing these synergies, and should preclude support for activities with significant tradeoffs until these synergies are fully exploited.</p> <p>Promote Climate Resilience The Safeguard Policies should require project sponsors to assess and manage (a) the climate-related risks facing supported projects and the resilience to climate impacts of those projects; and (b) the impacts they will have on the resilience of local communities and ecosystems.</p> <p>The proper assessment and management of climate-related risks are critical to ensure that supported projects remain viable, deliver their intended development benefits, and continue to “do no harm” as local climactic conditions change over time. Towards this end, the safeguards should require sponsors to assess the climate-related risks of projects and programs, and the impact they will have on the climate change resilience and adaptive capacity of host communities.</p> <p>In order to assess the overall development impacts of a project under various potential climate scenarios, project sponsors</p>

	<p>should assess how issues such as water stress, vulnerability to severe weather events, effects of increasing temperature (on crops, for example), sea-level rise, glacial melt, and other impacts of climate change will affect the viability and development impacts of their projects, and the ways in which those projects and programs may affect the ability of host communities to adapt to climactic changes. In addition to the development risks, sponsors should also assess the business risks (how their business plans are likely to be altered if climate change affects the local/regional economy and resource base) and regulatory risks (how their operations are likely to be affected by potential regulatory responses to climate change such as carbon-pricing schemes or more stringent efficiency requirements) of a changing climate. Importantly, this need to assess climate risks and resilience is not limited to long-lived projects; it also is relevant to other projects--such as those in agricultural areas--that may be significantly affected by climate change.</p> <p>Clients should be required to avoid, minimize and mitigate these risks and impacts, in accordance with the mitigation hierarchy. Towards this end, the outcomes of these assessments should be integrated at the project design stage to facilitate proactive risk management. Where the identified risks and impacts cannot be avoided, the Safeguards should require the client to develop an Action Plan for achieving excellent development outcomes across a range of potential climate scenarios. The Plan should describe the mitigation and performance improvement measures and actions that it will take to minimize and mitigate the identified risks to the project, and the environmental and social risks and impacts on local communities and ecosystems in a changing climate.</p>
	<p>As a standard-setter, it should utilize the safeguard review process as an opportunity to create standards that exceed the minimum. Therefore, and consistent with its Environment Strategy, the Bank should narrowly focus its lending on development activities that contribute to climate mitigation and adaptation goals.</p> <p>The Bank must ensure that climate considerations are incorporated into front-end assessments and planning. There are a number of tools the Bank may employ, including cumulative impact assessments, integrated resource planning, full life-cycle accounting, greenhouse gas accounting, low-carbon development strategies and nationally appropriate mitigation actions, and national adaptation plans. As one example, OP/BP 4.01 (Environmental Assessment) should require full life-cycle accounting of greenhouse gas emissions. The updated safeguard policies must ensure that comprehensive assessment tools are used to identify alternative options. It is also imperative that the Bank strengthen the mitigation hierarchy.</p> <p>The updated safeguard policy should make clear that low carbon projects are prioritized over emission-intensive projects. The Bank should avoid expanding the supply of fossil fuel-based energy and should fund strategic transitions away from coal. To the extent that the Bank finances energy sector activities, these activities should focus on end-user efficiency and supporting renewable energy.</p> <p>Finally, the safeguard review also presents an opportunity for the Bank to take into account international developments on forests and climate change, and, in particular, lessons learned from the pilot of REDD+ programs and projects. The climate regime further provides an example of how Bank measures must take into account and cover the human rights consequences climate change will generate, which will require the protection of, and assistance for, those displaced by climate. For this reason, addressing climate change must ultimately take into account the human rights implications and be grounded in a human rights framework.</p>
	At the project level, resilience and intergenerational equity should be the key issues that should be considered for managing

	<p>climate related risks to development and reducing emissions. Long-term impacts should be assessed and included in resilience measures of communities. Impacts from project using non-renewable natural resources need special consideration, as those impacts will affect future generations.</p> <p>Consideration of emissions should include all warming (and cooling) agents beyond the Kyoto gases. If the World Bank intends to set carbon/ pollutant footprint thresholds, it needs to ensure that emissions will be measured appropriately. ... Guidance should be given on how to measure emissions in different sectors. It should be acknowledged upfront that carrying out measurements of emissions is going to be a challenge. World Bank safeguards should establish a hierarchy of emission goals: emission avoidance, emission reduction, offset, and compensation.</p> <p>Impact assessment is a crucial step toward implementing any safeguards that include considerations of climate change. Benchmarks should be specific to countries and sectors, responding to their specific needs and circumstances. Climate benefits in development should be measured, as was done in the MEDEC study for Mexico. When assessing impacts of climate change, a number of issues need to be taken into account: for example, innovative projects should not be penalized by safeguards if, for instance, social and environmental effects are high, but long-term climate impacts are low or beneficial and development impact is high. Furthermore, projects that are specifically tailored to address climate change may need to be assessed differently than those that are not designed to include explicit climate change benefits, but which will affect the climate or climate resilience. Data gaps. It was noted that spatially distributed social information is often lacking for conducting impact assessment.</p>
	<p>Measure and report absolute GHG emissions from each individual investments, as well as emission reductions or increases relative to a baseline scenario for each individual investment in high-emitting sectors such as energy and transport.</p> <p>Plan and implement projects in a manner that avoids or reduces GHG emissions.</p> <p>Measuring Emissions from Individual Projects</p> <p>Safeguard policies should require, for instance, that the Bank carry Out GHG assessments before implementation of individual projects that emit over a specified threshold.</p> <p>Project-level accounting should include both direct and indirect emissions. Direct emissions include the direct impact of Bank's investment, such as the effects of a mining or infrastructure investment. Indirect emissions should include both any electricity purchased to implement the project (so-called scope 2 emissions), as well as significant emissions resulting from use of the infrastructure or product resulting from the project (scope 3).</p>
	<p>In addition to calculating emissions, Bank safeguards can help ensure that projects are designed and implemented in a manner that helps to mitigate climate change. One method for helping to ensure support for climate change mitigation is to put in place specific requirements for sectors or project types.</p>
	<p>There should be greenhouse gas accounting, including short lived climate pollutants such as methane, black carbon, and HFC gases. It would be important to strike a balance between the transparency, credibility and robustness of tools for accounting and ease of use, data needs and capacity to apply the tools.</p>
	<p>To fully incorporate vulnerability and adaptation in the World Bank safeguards, the new safeguards should include a process to: screen investments for their impact on vulnerable; and prevent investments in projects that can be maladaptive.</p>
	<p>Climate Change All Bank investments should be 'climate-smart', taking into consideration the likely impacts of climate change (both biophysical and on the policy environment) and taking advantage of climate related opportunities to maximise their long-</p>

	term impact. A process-based safeguard (i.e. requiring countries to demonstrate that they have considered this without including minimum standards or outcomes to be achieved) is probably the most appropriate given that it would be a new safeguard.
	Climate change should be an upstream concern: climate change should be considered at a programmatic level and very early in the project design to influence site selection and activities supported by the project.
	The Bank's programs and projects should be climate resilient. Investment should not be locked into developments which may require costly retrofitting or decommissioning. A climate risk analysis of projects/programs will aid in deciding if a project/program is climate resilient.
	Mitigating the animal agriculture sector's significant yet underappreciated role in climate change and environmental problems is vital for the health and sustainability of the planet and its human and nonhuman inhabitants.
Integrated policy approach	Such aspects as land use, natural resources and climate change might be integrated in a single section.
	The climate change agenda should be integrated in all areas of cooperation between the Bank and a country on a mandatory basis. A joint action plan to address the problem (both climate change adaptation and mitigation) should be developed. Special restrictions should be established in sectors where climate change is especially evident.
	With respect to broadening the scope of the safeguards, climate change is important and the Bank should look at low carbon pathways and building in climate resilience throughout the portfolio.
	With respect to introducing safeguard policies in the field of climate change, it must be known that this is obviously a horizontal theme that cuts across all existing safeguard policies.
	Because climate change is pervasive and cuts across many areas, it will be important to ensure that climate change is addressed in all of the relevant areas that it needs to be addressed, in addition to any specific qualifications/restrictions/standards that need to be in place.
	Introduce a policy of harmonizing the carbon footprint of partner banks involved in World Bank projects (via an integrated management system of applicable ISO 14001 standards).
	The fact that Peru has already included a climate change policy in regional programs shows how this topic can be integrated in program implementation. Peru is attempting to think beyond climate change mitigation or adaptation projects, by visualizing the concept of climate change on a more crosscutting basis, and incorporating it into regional government planning.
	To manage forests more effectively, forestry and Indigenous Peoples policies need to be better integrated with emerging issues such as climate change, landholding, and natural resources. Steps must be taken to analyze how to harmonize the parallel REDD+ program with the incorporation of a number of emerging issues.
	The climate change issue needs to be addressed more broadly and thoroughly by the World Bank Group than it is today, be it through Safeguards or other instruments, to ensure that all WBG activities take climate change into account.
	The Safeguard Policy Review presents an important opportunity for the Bank to adopt best practices for promoting climate sensitive and resilient development in its operational policies. As a guiding principle, the Bank should recognize that the goals of climate sensitivity and resilience need not be in tension with its mandate to alleviate poverty in an environmentally responsible manner.

	<p>Therefore, in accordance with the Bank's new Environment Strategy, the Safeguard Policy should narrowly focus the Bank's efforts on systematically identifying and capturing these synergies, and should preclude support for activities with significant tradeoffs until these synergies are fully exploited.</p> <p>To realize the opportunities, the Safeguard Policy framework should incorporate best practice approaches to project selection, appraisal, and alternatives assessment that fully account for the costs and risks of climate change. Specifically, the revised Safeguard Policy framework should:</p> <ol style="list-style-type: none"> 1. Expand the Repertoire of Planning and Assessment Tools The Safeguard Policies should require the use of transparent planning and assessment tools such as Integrated Resource Planning, full life-cycle accounting, greenhouse gas accounting and low-carbon development strategies to ensure that the Bank's activities are as low-cost, low-carbon, pro-poor, and sustainable as possible. 2. Prioritize end-use efficiency. The Safeguard Policies should prioritize end-use resource efficiency improvements as a core climate and development strategy. 3. Promote Climate Resilience The Safeguard Policies should require project sponsors to assess and manage (a) the climate-related risks facing supported projects and the resilience to climate impacts of those projects; and (b) the impacts they will have on the resilience of local communities and ecosystems. 4. Strengthen the "mitigation hierarchy" The Safeguard policies should apply the "mitigation hierarchy" to issues of resource efficiency, energy use, and emissions of greenhouse gases and short-lived climate pollutants, and allow offsets only for emissions that cannot be avoided or reduced. 5. Require the use of "best available technologies" The Safeguard Policies should require the use of "best available technology" to improve efficiency and reduce emissions of greenhouse gases and short-lived climate pollutants. 6. Refuse to support projects that produce hydrofluorocarbons The Safeguard Policies should preclude support for projects that produce hydrofluorocarbons, and should require clients that use them to quantify their use and use substitutes, where available. 7. Address the problem of subsidies and poor regulatory environments The Safeguard Policies should include criteria to prioritize support for low-carbon initiatives and improved end-use resource efficiency where regulatory regimes and/or market distortions incentivize throughput and investments in fossil fuel-based supply expansion.
	<p>The safeguard policies review and update provides an opportunity to better integrate climate change considerations across the full portfolio of the Bank's forest-related projects and incorporate climate integrity into lending instrument safeguards. World Bank supported interventions should be strengthened to improve forest management in ways that deliver a broad range of benefits and services, both local and global, as client countries respond to the challenges of climate change.</p>
Apply international treaties and agreements	<p>Guidelines from the United Nations Collaborative Programme on Reducing Emissions from Deforestation and Forest Degradation. (UN REDD) should be followed.</p>
	<p>The issue of human rights must be incorporated into the safeguard policies and should be harmonized with the human rights obligations of countries. Turkey is signatory to many conventions which need to be upheld. Bank operations should be consistent with UN Charter. The Bank should support member states in their duty to protect against abuses that can arise in the context of Bank financed projects.</p>

	The Bank's environmental assessment should integrate the activities and guidelines of the Intergovernmental Panel on Climate Change (IPCC), United Nations Framework Convention on Climate Change (UNFCCC), the private sector, and other actors involved in climate change. The focus should not be on adverse risks and mitigation only. Measures that can generate revenue activity through environmental conservation, such as carbon credits, should also be integrated into the policies.
	The Bank should consider the Plan Vivo Standards, which are part of a broader framework for planning, managing, and monitoring the supply of verifiable emission reductions from small-scale producers and community land-based projects. These standards promote sustainable land-use practices.
	For approaches and best management practices regarding risks associated with climate change and biodiversity loss: IPCC, UNEP, UNDP, CBD, and UNFCCC; for ocean acidification: IOC; for economic and forced migration: human rights organizations; and for public health epidemics: WHO.
	Given the complex linkages between climate change and development, the review on safeguards should yield tangible and practical progress in the area of climate change, if necessary in parallel or ahead of the United Nations Framework Convention on Climate Change (UNFCCC) process.
Consider operationalization and applicability	Be very careful in including any of the seven emerging issues. This will make it even harder to do Bank projects. Should be trying to reduce requirements, not add. The updated safeguard policy could take into account some emerging issues (e.g., climate change). But the requirements must be practical and operational. The assessment needs to focus on project-related impacts, not on generally analyzing all the emerging issues.
	The approach paper identifies climate change as one of the issues that needs to be given attention. It also mentions issues associated with land, natural resources, energy crises, etc. To incorporate such an assortment of areas under the framework would make it difficult for any project to get off the ground. For example, climate change and what has to be done at various levels is an issue that has been debated at many global forums. Stringent policies in this regard cannot be imposed on developing countries, which may require financial assistance for infrastructure related projects, especially when the contribution of developed countries to climate change is much higher than that of developing countries.
	General observations The World Bank needs to be clear about how climate change is considered in the context of its investment lending.
	5) Require Rigorous Climate Variability Modeling The Safeguards should require borrowers to undertake climate variability assessments to model impacts on investments. Assessments should include downscaled hydrological variability simulations based on the assumption that future trends will not necessarily mirror past observations (non-stationarity). Results should directly inform options and needs assessments identified within IRPs for electricity resources.
	The approach paper identifies climate change as one of the issues that needs to be given attention. It also mentions issues associated with land, natural resources, energy crises etc. To bring in an assortment of areas under the frame work would make it difficult for any project to take off the ground. For example, climate change and what has to be done at various levels is an issue that has been debated at various global forums. Stringent policies in this regard cannot be imposed on developing countries which may require financial assistance for infrastructure related projects especially, when the extent of contribution of

	developed countries to the climate change is much higher than that of the developing countries.
	Adaptation to Climate Change. With regard to adaptation to climate change, projects should address climate-related risks. General principles should be “doing good” and avoiding maladaptation. Projects should also include a rigorous climate risk assessment and management plan. Climate change and impacts should be situated in the context of other pressures and changes (i.e., how much of an issue is climate change versus other pressures in a particular location). Guidelines and scoring systems should be developed to help World Bank staff conduct such an assessment. Activities to manage risks of climate change (or adaptation) should be integrated with rural development. Given the number of small holders in many developing countries, risks of climate change on them and any specific trade-offs applying to them should especially be considered.
Consider platforms and tools outside safeguard policies	The World Bank should consider which instruments, other than safeguards for investment lending, could be used to incorporate climate change considerations into its operations (e.g., policy support, country-wide strategies, program-for-results (PforR)).
	Suitability of safeguards for climate change. Some concern that safeguards may not be the best instrument.
	Programmatic engagement. The World Bank could use its influence to encourage borrowing governments to choose low carbon and climate resilient options in projects. Programmatic engagement on climate change considerations in development should go beyond investment lending and cover other instruments of the World Bank portfolio, in particular DPL and PforR. In any case, the World Bank should engage in dialogue with borrowing countries to support countries’ climate change agenda (while avoiding political influence).
Upstream consideration	Climate change as an upstream consideration. Climate change considerations need to be part of project planning and design. Safeguards could be a useful tool in ensuring early and systematic consideration of potential climate risks, and this is a good time to discuss the effectiveness of safeguards as a tool. However, assessing the risks from climate variability and change is different from environmental impact assessment, in that the latter generally focuses on impacts of project activities on the environment and people. But the assessment of the additional risks from climate change and risk management need to be integral parts of project design. Borrowing countries should have an interest in upstream consideration of climate risks as they would not want to make investments that would be at risk from future climate change and would want to consider opportunities from changed climate or opportunities that can benefit development and climate outcomes. The question is whether the Safeguard Policies can best play this role. If yes, then climate change should be front and center. But if not, how and when should such considerations be taken into account in the decision-making process?
Support to borrowers	Data availability varies across countries and across sectors. Some countries may not have the capacity to gather all necessary data for impact assessment, particularly emissions or social baselines, and other measurements, although some data may already be available. The World Bank could play a major role in strengthening hydro-meteorological services in countries and facilitate getting the data together and making it available within the borrowing countries to support their planning and decision making. ... Data availability is also hindered by the variety of methodologies used. Therefore, methodologies and data formats should be harmonized. Countries need to be provided with more useful and applicable climate information. ... The World Bank can also think about the

	<p>role and approaches to economic analysis/ cost-benefit analysis within its projects.</p> <p>Adequate capacity of borrowers and World Bank staff to implement safeguards that include considerations of climate change is a crucial aspect for the success of this kind of policy, as is access to and ownership of information and knowledge. In general, countries should be encouraged to take ownership of climate change issues by having access to locally owned solutions that are responsive to country demands. Technical support should provide training with regard to impact measurements, tools, and technologies.</p>
	<p>The Bank can provide technical assistance and other forms of support aimed at building national systems to assess climate impacts. Such support should be provided strategically in collaboration with the recipient country government and other relevant stakeholders. The Bank can also provide positive incentives for borrowers who voluntarily engage in emissions reductions, such as further concessionality or access to climate finance.</p>
Support to improving national legislation and systems	<p>Ownership. Country ownership of climate change approaches would be improved if safeguards were built on the country's own safeguard system and embedded in national emission reduction and climate resilience strategies.</p>
Carbon accounting	<p>The World Bank should carry out carbon accounting of all its activities and ensure that it is making a positive contribution to reducing Green House Gas emissions. The use of life cycle assessments should also be promoted by the Bank, as well as the integration of resource efficiency into its safeguard policies.</p>
Recommendations: DISABILITY	
Need to be considered	<p>Disability inclusion should be addressed throughout the project cycle and in particular from the very beginning. Disability inclusion should be part of the negotiations with the governments' counterparts. Besides, disabled people organizations should be involved in the project consultations.</p>
	<p>The Bank should include the issue of disability in the context of the reform as there is a big problem of exclusion of people with disabilities. It should consider the issue of disability in matters of education, health and work mainly because there are high rates of unemployment among people with disabilities.</p>
	<p>Safeguard policies regarding disabled people should focus on family and social integration, which implies a more diverse and widespread infrastructure and, of course, different costs than those entailed by an institutionalized infrastructure that has only led to the isolation of the disabled from their families, the community and society, in general.</p> <p>There is a need for systematic integration of persons with disability in Bank projects. A first step to do so is to make sure that everything the Bank does in terms of consultation processes and operations is accessible and based on the indicators of inclusive development.</p>
	<p>The World Bank should incorporate an inclusive development approach in its safeguard policies, particularly in relation to people with disabilities. The World Bank should consider the different vulnerabilities and consult with people with disabilities</p>
	<p>The interests of disabled people (particularly women) should be taken into account; using sign language where necessary is important. It is also necessary to clarify how the Convention on the Rights of Persons with Disabilities could be promoted</p>

	The identification of disability as an emerging issue in this review is welcome, because it covers issues that are extremely important for development sustainability, such as mental health.
	In the Bank's environmental and social safeguard policies, the voices of the disabled are simply not heard.
	Interests of the disabled are not taken into account. The disabled are the most marginalized and vulnerable section of society. About 2.1% of people in Orissa are disabled and this is higher than the national average. In a recent survey, it was learned that only 22.2% earn a living.
	The link between disability and development needs to be understood. Vulnerability should be recognized. Disability mainstreaming should be done and inclusive development ensured. Protection of the rights of the disabled should be included. Language from the Convention on the Rights of Persons with Disabilities (UNCRPD) should be used. World Bank staffers should be inclusive of disability concerns. This will go a long way in empowering the rights of the disabled.
	The Bank should develop, in collaboration with Disabled People's Organizations and persons with disabilities, criteria that it will use to compare borrowing countries' standards on disability to those of the Bank's when preparing projects that trigger the disability provision of a specific safeguard. The borrowing country's standards should apply to the project only if they are equivalent to or are more advanced than the Bank's. Otherwise, the Bank's standards should apply.
	There is a lot of trafficking of women, especially those who are deaf. There is a lot of sexual abuse in tribal areas. Health is a major concern. There are no toilets for the disabled. Even if there are toilets, they are not user-friendly, so no one can use them. This situation is very bad.
	In schools that are intended to have inclusive education, trained teachers are not available. In schools for the visually impaired, there are no Braille books or computer education, so people have to rely on audio services. All educational facilities should be disability friendly.
	Employment of the disabled in the private sector is very low. Lecturers, teachers and stenographers are the only jobs that appear to be available for the disabled.
	Rights of the disabled should be recognized. Additional rehabilitation measures should be provided.
	The Orissa Rural Livelihood project covered 10 districts, many panchayat and 300,000 families. How many disabled were affected during the project? From research it appears that there have been no consultations on the design and implementation and the disabled are not included as beneficiaries of the project.
	There are two other issues the Bank may wish to address: (1) health sector – sterilization of women with disabilities; and (2) Electro-convulsive therapy that is being used for mentally disable/mentally ill. These are being done in hospitals that receive partial funding from the Bank.
	Remove barriers to access; when removed, opportunities arise and safety increases; provide all people with equality of access; disabled people are the most vulnerable in society.
	WB policies frame the disabled as an exclusive group instead of adopting the social model of diversity in ability. WB funds are not designing inclusive structures and is creating dependence as a result.
	A change in approach is needed. Principles of inclusion should be promoted by means of social safeguard policies. Safeguard policies regarding disabled people should focus on family and social integration, which implies a more diverse and widespread

	infrastructure and, of course, different costs than those entailed by an institutionalized infrastructure that has only led to the isolation of the disabled from their families, the community and society, in general.
	Safeguard policies referring to disabled people should be based on the principle of community and family integration, not on the principle of institutionalization for such social categories (disabled children, disabled students, disabled adults, disabled seniors, etc.).
	Safeguard policies in the field of occupational/labor safety and health should also take into consideration the issue of integrating disabled people into the labor market and the workplace. Such policies should promote best practices with respect to the professional integration of such social categories.
	Policy Gaps. There are some important gaps in the safeguards policies, including the absence of Labor Standards, gaps in human rights (safeguards do not comply with international human rights law), addressing the global commons, particularly oceans (they are still just country based). Other gaps are: excluding some vulnerable groups from the overall scope of safeguards; ignoring the significant role people with disabilities could play in the development process; no requirement to address unique needs of children, resulting in projects with detrimental impacts on them; inadequate protection of natural habitats; and no recognition of the right to Free, Prior and Informed Consent for Indigenous Peoples.
	Stress a non-discrimination policy which prevents discrimination on the basis of race, color, ethnicity, sex, age, sexual orientation and gender identity, language, religion, political or other opinion, property, birth, disability or other status; and which safeguards the rights of persons with disabilities and ensures they benefit from development interventions.
	Recognize that disability is a socio-economic issue, casting a big burden on society. Disabled people should be playing a key role in the development process of their societies, and Bank projects are a significant platform for enhancing opportunities to integrate persons with disabilities and to change the negative stigma that society usually puts on them. Projects sponsored by the Bank should focus on social inclusion and ensure that there is no stigmatizing and stereotypes of persons with disabilities in society.
	There is a need for systematic integration of persons with disability in Bank projects. A first step to do so is to make sure that everything the Bank does in terms of consultation processes and operations is accessible and based on the indicators of inclusive development.
	The socio-economic added value of disability mainstreaming is a key issue that resonates with the main mission of the World Bank as an organization that works on alleviating poverty. According to data provided by the World Bank, United Nations and World Health Organization, the proportion of persons with disabilities in the overall global population is 10 to 20 percent.
	It would be important to secure sufficient funds on the basis of socio-economic inclusion for people with disabilities throughout overall lending investment operations, and to ensure effective monitoring process to oversee and evaluate borrowers' improvement in implementation of inclusive development policies.
	Creating wide array of incentives for borrowers to ensure commitment to disability rights and inclusive development will be key.
	Ensure that development explicitly reaches and benefits the most marginal population, including persons with disabilities.
	Strengthen the policy regarding the care of vulnerable persons (women, the disabled, etc.).
	It is important to take account of the differentiated impact of the Bank's policies according to the gender of the person affected,

	his or her membership in an indigenous or Afrodescendant community, and whether he/she has a disability.
	Include persons with disabilities in terms of specific improvements in the government's Conditional Cash Transfer (CCT) and the National Household Tracking System (NHTS), for poverty reduction, to build information and data that can help in designing programs, the group's access to procurement, services, etc., based on international laws and commitments, even those to which the government is not a signatory.
	Specifically, include the concerns of persons with disabilities in the access to justice project implemented by the Department of Justice and supported by the Bank. Their issues and concerns should be included in government project design (especially of infrastructure projects).
	Promote a universal design for accessibility features.
	Improve the database by disaggregating data to include persons with disabilities.
	World Bank-assisted projects could be more responsive to the needs of persons with disabilities. Projects such as Conditional Cash Transfer (CCT) and the National Household Tracking System (NHTS), have no provision to consider the needs of people with disabilities. For example, children with disabilities under the CCT program generally do not go to school because there are no facilities for them.
	What is the Bank's safeguard policy on persons with disabilities' access to livelihood, not as charity but to make them part of a productive citizenry?
	On economic development, persons with disabilities are lobbying for a bill on social enterprise development to see to it that persons with disabilities are participating and contributing in national development.
	The social safeguards should include not only indigenous, but also other vulnerable populations. Often non-indigenous rural populations live side by side with indigenous populations and are in a position of equal or greater vulnerability of indigenous peoples themselves. In addition, other vulnerable populations that the World Bank should include in their policies are children, elderly and people with disabilities. There is a very clear understanding, for example, how climate change affects these populations especially vulnerable
	The 2006 Convention on the Rights of Persons with Disabilities takes a new social and rights approach. Disability only exists as a social condition through the relation between the disability from which a person suffers and the social environment. It is a topic that has not been mainstreamed, because there is no strong institutional capacity that understands the subject.
	Create clear mechanisms for monitoring borrowing countries' commitment toward scaling up its national policies to adopt the minimum standards of disability mainstreaming in all projects sponsored by the World Bank.
	Issues such as gender, water, or disability, among others, could either be addressed as a strategy or a standalone safeguard, or be incorporated into an existing safeguard. The Bank needs to decide which approach would be more effective for Bank-financed projects in the long run.
	The International Disability Alliance is concerned about the Safeguards review and update leading to expanded use of country systems as many countries (including OECD members) do not have disability standards.
	Special measures must be taken to include disabled groups at the local level in the consultation process, because they generally have no access to their Ministries of Finance and other relevant Bank counterparts, and are often neither inclined nor organized

	to participate actively in consultations.
	It is not enough for the Bank to include disability groups in the consultations, or to respond to demands for disability certification, which currently accounts for the bulk of the Bank's work on disability. If the Bank sees disability as an "emerging issue"—i.e., an issue where there should be significant improvement in the next 10 years, then the Bank needs to raise its ambition to expanding access to countries' transport systems, resettlement and other social programs, etc.
	The resulting integrated framework should have fairly specific (if not lengthy) elements on disability and other areas of compliance.
	Communications should be systematically integrated into all projects to ensure people with disabilities and hearing loss can understand what is happening and how they will be affected. Project-level communication is needed so they can be integrated, not just included. They should also be consulted as much as possible throughout the project planning process.
	Persons with disabilities did not see themselves reflected in the Bank's work before the Convention on the Rights of Persons with Disabilities (CRPD), a specific instrument to apply binding international human rights standards to these processes. CRPD 4.3 states the obligation to consult with representative organizations in the development of policies and legislation. Article 27 of CRPD includes a specific requirement to promote equity for disabled persons that can be built into the Bank's new guidelines. Progressive and binding human rights standards should be adopted.
	Binding disability standards and clear internal standards for monitoring Safeguards should be adopted to make sure there is systematic integration of disability. It is a good outcome if dialogue on disability is initiated in these countries, even if not everything is achieved (i.e., a disability safeguard).
	The Safeguard Policies need to be inclusive of disability and persons with disabilities. CRPD should be reflected in the policies in full, particularly with regard to the social model of disability and development. Recalling the World Bank's earlier appointment of Advisor on Disability and Development Judith Heumann and Senior Operations Officer Charlotte McClain-Nhlapo, it is important that disabled persons themselves are involved within the Bank when addressing these issues.
	Stigma is a major problem as regards disabled people, especially in developing countries that do not have equal access to health, education, jobs, etc. Therefore policies should be adapted to be inclusive. It is essential that people with disabilities are consulted throughout the process. The Bank should – to be inclusive in its development – make sure to bring disability in, through mainstreaming Safeguards or in other ways. Human rights should inform the Safeguards approach. It is important to note that physical and mental disabilities are not the same. Bank Group staff also need to be trained.
	There is a need to raise awareness about the issues and needs of people with disabilities; careful attention should be paid to understanding who represents the disabled community.
	Disabled communities need to be better integrated; it is important to ensure that laws and measures are in place that take their interests into account. The dominance of the charity approach to handling disability issues should be challenged.
	JICA has provisions to address disability in their guidelines – what does the Bank plan to do?
	Lack of clarity and detail in the operational safeguard policies of the World Bank, in relation to the consideration of social issues, some of which such disability, gender, and tenure are included in the emerging issues presented in the framework document
	Consider the disability in the operational policies of the World Bank provided

	Require respect of the rights of persons with disabilities and work to ensure that all activities are disability-inclusive.
	Project feasibility study must call for an impact assessment on persons with disabilities.
	<p>Subscribe to the minimum quota system for persons with disabilities and cooperatives of persons with disabilities (i.e. Philippines Executive Order 417)</p> <p>For future investments of the Bank related to Conditional Cash Transfer, it needs to ensure that the targeting system includes disability as one of the variables in the proxy means test considering that the targeting system such as NHTS-PR is the infrastructure to identify who will receive social protection program</p> <p>Ensure that targeting system captures different categories of the poor.</p> <p>Ensure standard data collection of persons with disabilities to facilitate informed analysis of programs and policies</p>
	<p>Mechanisms should be in place to ensure the effective participation of organisations of persons with disabilities at every stage of the process.</p> <p>Mandatory disaggregation of data by disability, as well as producing new datasets on persons with disabilities.</p> <p>A revision of overseas development assistance to include disability related markers.</p> <p>Any new global partnerships must include persons with disabilities in their international cooperation efforts.</p>
	There is need for WB to conduct a study on how to mainstream disability in its operations and investments. This study should involve consultations with PWDs and leaders of DPOs.
	It will be important for a future safeguards framework to identify the need for Bank funded infrastructure to be consistent with universal design principles.
	It is important to ensure that World Bank-financed projects adhere to the principles of universal design (or to the principles of universal accessibility of built environment, transport, and communication and information).
	Globally several vulnerable groups have been identified such as indigenous people, people forced into resettlement, fragile and conflict affected country residents, women, children etc. People with disabilities in these groups are doubly vulnerable and disadvantaged. The Bank must ensure that the additional vulnerability because of disability is addressed to enable them to benefit from the projects on an equal basis with others.
	The Bank must incorporate the needs of persons with disabilities in all its environmental and social safeguard policies. Under the current safeguard policies, people with disabilities, often some of the poorest and most vulnerable people in society, especially in developing countries, are not systematically consulted, mentioned, or considered in the planning and design of Bank projects.
	Something similar to the IFC Performance Standards with a broader and more efficient development process would be a good starting point to correct these inadequacies [for disability issues] for the identified emerging issues and those that will arise in the future.
	The Bank's projects should prioritize accessibility for all in built environments to help protect human rights (especially the rights of disabled persons) by fostering more meaningful social inclusion.
	The Bank should adopt a social model of disability and implement policies that are conducive to social inclusion (e.g., barrier-free design of built environments that are accessible for all). Information on Bank safeguards, projects, and policies should be provided in accessible formats, especially to accommodate the blind and those with impaired sight.

	Disability and Human Rights should be incorporated into the Environmental and Social Impact Assessment.
	The World Bank must ensure that persons with disabilities are afforded full and effective participation and inclusion in society as well as equality of opportunity; that they benefit from and participate in Bank-funded operations; and that adverse impacts of Bank operations on them are avoided or mitigated if impossible to avoid.
	The Bank should provide more funding for infrastructure projects that emphasize design standards like barrier-free construction that enable accessibility for all.
	Effective measures should be introduced in the revised safeguard policies to ensure the full inclusion of disabled persons as active and equal participants in society, as well as equal beneficiaries of the Bank's projects.
	Steps must be taken to build the capacity of both the Bank staff and the implementing government counterparts on integrating rights of persons with disabilities into Bank operations and on conforming to the safeguards.
	There is need for disability equality training to be undertaken by WB staff and implementers of the projects funded by the WB to further understand how to manage disability and their needs in all funded projects.
	Safeguards must include processes for undertaking consultation with people with disabilities at all stages of project implementation. This would entail consulting with persons with disabilities from the project designing stage until the time of project monitoring and evaluation.
	Representation of persons with disabilities including children with disabilities through their organization from the national to grassroots level; and Closely consulting and actively involving persons with disabilities including children with disabilities through their representative organization in decision-making processes throughout all phases of the design process. To ensure that consultations are accessible and inclusive
	Disability related social impact assessment should be carried out in two steps. The first step should be to determine the degree of the relevance of disability for the project in question. Based on the first phase, technical expertise required to carry out the second phase (social workers, child development specialists, teachers, labor market experts, vocational specialists, etc.) should be decided on. The second phase should also include consultations with relevant disabled people organizations.
	Social impact assessment specific to disability should be supported by a pool of experts, which might include local NGOs/CSOs working on disability.
	Basic training tools should also be designed for country governments, in order to support them with the implementation of disability inclusive projects. Expertise needs to be built on both sides.
	It should be the responsibility of the donor to help countries improve and scale up their laws and regulations on disability. Many developing countries lack awareness of disability or have weak capacity.
	The WB websites and documentation should be accessible to all, including the disabled and blind.
Integrated policy approach	Disability is not an emerging topic but a social issue that has always existed and will always exist.
	Wherever development activities are undertaken, disability should be addressed in a holistic manner. Everything should be disability-friendly, from infrastructure, to education, health, and employment opportunities.

	Issues such as gender and disability are actually about public participation, is it necessary to separate them out in safeguards? It may cause overlap.
	As a cross-cutting issue to be covered in the safeguard policies, promote accessibility features in infrastructure projects.
	The Bank should include persons with disabilities in its consultations process as well as in the process of monitoring, planning and implementing (make sure that all consultation meetings are accessible). There should be clear internal standards so they are fully integrated in all aspects. Systematic cross cutting inclusion in all policies should be ensured, based on UN language. Binding disability rights should be adopted in projects.
	The World Bank should incorporate an inclusive development approach in its safeguard policies, particularly in relation to people with disabilities. The World Bank should consider the different vulnerabilities and consult with people with disabilities
	Safeguards must be inclusive; they must include all issues like labor, disability, gender, etc. Cultural rights must also be included in human rights.
	Safeguard policy should be comprehensive, covering full range of human rights issues – labor, disability, gender
	Mainstreaming persons with Disabilities in World Bank policies and programmes at all levels.
	<p>The World Bank must give more attention to the issue of disability and not treat it as a mere segment of a larger, vulnerable group. Rather, the Bank must systematically integrate disability throughout its operations. It is imperative that the Bank pay specific attention to this issue, especially since persons with disabilities are often some of the poorest and most vulnerable persons in countries where World Bank projects are implemented.</p> <p>To increase development effectiveness, one of these essential steps that the World Bank should consider is the issue of disability within its safeguard policies. Furthermore, considering such a step should inspire those engaging with the Bank, whether client members or other bilateral and multilateral financial institutions and donors, to pursue the adoption of similar safeguard policies. To maintain further consistency in its commitment to development effectiveness, the Bank must:</p> <ul style="list-style-type: none"> Make clear references to issues of disability mainstreaming in all its safeguard components and scopes; Pursue all necessary structural measures and arrangements for enhancing its own capacity toward providing the necessary technical support required to implement a disability sensitive safeguard policy; Identify outreach strategies to its lending members and trust funds for securing the necessary financing capacity toward the implementation of these safeguards;
	The Bank must take a more cross cutting and a rights based approach in addressing all projects.
	<p>The World Bank Safeguard policy should protect the most vulnerable sector in society by ensuring space that explicitly and clearly protects people with disabilities in the safeguard policies.</p> <p>To systematically include disability into World Bank operations through the safeguards and ensure that the safeguards apply to all lending instruments.</p>
	Disability - In considering how safeguards can drive positive contributions to sustainable development, not just minimise negative impacts and manage risks, a focus on disability inclusive development is appropriate. While not a safeguard per se, there are practical ways in which this can be addressed. For example including a requirement for an assessment of potential barriers that may be faced by people with disability to ensure that steps are taken to include them in projects from the beginning.

	A freestanding safeguard policy on disability is not key to ensure that disability is included in World Bank operations—key would be a more mainstreamed and systematic approach by the World Bank in addressing issues of disability in its operations.
	Disability might be included within a broader human rights framework, provided that specific references to the rights of persons with disabilities are included.
	Emerging areas The Bank must give itself the means to hold the projects it supports accountable for their inclusivity of all, including persons with disabilities. The creation, implementation, and monitoring of all safeguards should include persons with disabilities and local Disabled People's Organizations, since the persons most informed regarding inclusivity of the safeguards would be persons with disabilities themselves.
	For the World Bank to make a successful project like the "National Inclusion Project", it has to work to include the issue of disability and sustainable development in all the World Bank's relevant safeguard policies: from the safeguard policy of indigenous peoples through to the safeguard policies of involuntary resettlement.
	There is need for systematic integration of disability mainstreaming of disability issues in all safeguard policies. There is also need for reasonable accommodation in all World Bank funded projects to address specific needs and rights of PWDs through affirmative action where possible.
Stand-alone policy approach	Explicitly cover the concerns of persons with disabilities, although currently implicitly covered by the policies, in the Bank's safeguard framework and policies, using the Convention on the Rights of Persons with Disabilities as a benchmark for the terms and language related to this group. The full and effective participation of persons with disabilities should be considered in the entire system (from planning to implementation) to make the safeguards more effective.
Apply national laws and standards	While much emphasis is put on issues like conservation of natural resources in Turkey, issues like gender equality, disability and climate change draw less attention. Therefore, as part of the studies that have been recently started in Turkey on these matters, municipalities in particular are in search of resources. Instead of incorporating these matters into safeguard policies, the Bank could better work with related governments or ministries on such critical matters. Thus, it would also be possible for the Bank to contribute to the relevant legislation of Turkey.
Apply international treaties and agreements	CRPD used as a model The CRPD must be used as a model in the modification and development process in terms of ideology and language.
	To ensure that people with disabilities can participate in all phases of the project, there should be a participatory framework that reflects the following: The Convention on the Rights of Persons with Disabilities as the benchmarking tool for the language that will be used in the safeguard policies;
	Provisions specific to persons with disabilities: The new framework has to be inclusive of persons with disabilities and compliant with the Convention on the Rights of Persons with Disabilities (CRPD). All goals should be inclusive of persons with disabilities. There need to be specific indicators related to the inclusion of the persons with disabilities within each of the goals.

	As established by article 32 of the CRPD, all projects and programmes, whether mainstream or disability specific, have to be compliant with the CRPD, and promote the rights and full and effective participation for persons with disabilities, including by supporting the work of representative organizations of persons with disabilities.
Apply international treaties and agreements	We furthermore call upon the World Bank, since it is interested in and cares for human rights issues, to impose -together with adopting the issue of disability as one of its safeguard policies- the necessity of having member countries and clients abide by international human rights standards, especially those pertaining to persons with disabilities, and to furthermore use the United Nations Convention on the Rights of Persons with Disabilities as a model for enhancing opportunities of inclusive development and disability mainstreaming, primarily in areas, such as education, health care, employment, and political participation. It is also necessary to keep pace with the recent UN developments with regard to those rights.
	The interests of disabled people (particularly women) should be taken into account; using sign language where necessary is important. It is also necessary to clarify how the Convention on the Rights of Persons with Disabilities could be promoted
	The link between disability and development needs to be understood. Vulnerability should be recognized. Disability mainstreaming should be done and inclusive development ensured. Protection of the rights of the disabled should be included. Language from the Convention on the Rights of Persons with Disabilities (UNCRPD) should be used. World Bank staffers should be inclusive of disability concerns. This will go a long way in empowering the rights of the disabled.
	On disability the Bank needs to go beyond social protection and develop standards and safeguard requirements. It should make sure all its activities are fully in line with the provisions of the UN Convention on the Rights of Persons with Disabilities.
	The Bank should consider the integration of disability in the policies. The basis should be the United Nations Convention on the Rights of Persons with Disabilities. The Bank was a key player in the negotiation process before this Convention was ratified by the United Nations.
	Explicitly cover the concerns of persons with disabilities, although currently implicitly covered by the policies, in the Bank's safeguard framework and policies, using the Convention on the Rights of Persons with Disabilities as a benchmark for the terms and language related to this group. The full and effective participation of persons with disabilities should be considered in the entire system (from planning to implementation) to make the safeguards more effective.
	The Bank should take into account countries' compliance with international treaties on various human rights-related issues; (for example, the International Convention on the Rights of Persons with Disabilities) and the safeguards should be consistent with compliance levels. As part of the safeguard review and update process, the Bank should consider the intervention (consultation) of international human rights bodies, for their inputs on the subject (e.g., the International Committee on the Rights of Persons with Disabilities).
	The Bank should include persons with disabilities in its consultations process as well as in the process of monitoring, planning and implementing (make sure that all consultation meetings are accessible). There should be clear internal standards so they are fully integrated in all aspects. Systematic cross cutting inclusion in all policies should be ensured, based on UN language. Binding disability rights should be adopted in projects.
	The UN Convention on the Rights of Persons with Disabilities is a great source of policy language the Bank can adapt/adopt.
	On disability the Bank needs to go beyond social protection and develop standards and safeguard requirements. It should make

	sure all its activities are fully in line with the provisions of the UN Convention on the Rights of Persons with Disabilities.
	Disability mainstreaming should be adopted. The Bank should continue to involve disabled persons in its programs on the basis of the United Nations Convention on the Rights of Persons with Disabilities (CRPD). The uploading on the Bank website of the outcome of the consultation process is appreciated. Consideration should be given to ensuring access to information for everyone so no one is excluded.
	Rights of Persons with Disabilities. It is critical that the needs and rights of persons with disabilities are explicitly and systematically ensured through the adoption of strong, clear policy language on disability mainstreaming and inclusive development when planning for certain types of programs and projects in sectors such as transportation and tourism; building infrastructure; communication and information technology infrastructure; social programs such as education, employment, and health; and reconstruction work in the aftermath of disasters. The policy language should be consistent with the UN Convention on the Rights of Persons with Disabilities, the most robust international standard on the human rights of people with disabilities.
	The CRPD approaches disability as a development and a human rights issue and the World Bank as a development bank should emphasize the development aspects of disability inclusion.
	The Bank must respond to the international Convention on the Rights of Persons with Disabilities.
	The World Bank should take the UN Convention on the Rights of Persons with Disabilities into account when applying safeguards to its projects.
	Emerging areas The UN Convention on the Rights of Persons with Disabilities (especially the first six of the eight Guiding Principles, along with Article 9) should form the basis for effectively addressing the growing number of environmental and social risks concerning the world's largest minority – people with disabilities.
	The Bank should adopt the UN Convention on Rights of Persons with Disabilities. It is critical that the needs and rights of persons with disabilities are explicitly and systematically ensured through the adoption of strong, clear policy language on inclusive and accessible development when planning for certain types of programs and projects in sectors such as transportation and tourism; building infrastructure; communication and information technology infrastructure; social programs such as education, employment, and health; and reconstruction work in the aftermath of disasters.
	The World Bank should adopt binding disability rights standards to monitor borrowing countries' compliance with inclusive development practices.
Integrated policy approach	Safeguard policies in new fields such as the protection of disabled people should be included in all the projects that have an investment component related to social, economic or environmental infrastructure right from the preparation stage, so that current issues may be avoided (e.g., in rehabilitation projects for schools). Such issues refer to the situation where, once the investments had been completed, it became obvious that such investments did not correspond to principles of social inclusion and to the educational requirements of disabled children. Taking such requirements into account right from the program/project preparation stage will lead to lower expenses than those incurred when schools that have already undergone rehabilitation need to be included in further supplementary projects in order to have the infrastructure adapted to the requirements and needs of disabled students

Consider platforms and tools outside safeguard policies	<p>Mainstreaming Disability in the World Bank's country analysis.</p> <p>Using the World Bank cooperation at country level to mainstream Disability issues in all programmes.</p> <p>Inclusion of Persons with Disabilities in Strategic planning.</p> <p>Mainstreaming Persons with Disabilities in World Bank Country Assistance Strategy.</p> <p>What aspects and recommendations of the World Development Report could be reflected in the safeguard policies?</p> <p>Disability Statistics and data.</p> <p>What are areas outside the safeguards that the World Bank should consider and address?</p> <p>Expanding Social Protection and Building social protection Infrastructures in developing countries like Uganda</p>
Inclusive development	<p>The World Bank should create an inclusive process for consulting persons with disabilities and local Disabled People's Organizations at each stage of project development—from design to implementation and evaluation—and suggest appropriate ways to accommodate their needs.</p>
	<p>A cross-cutting goal on equality and non-discrimination: 'Promote equality and tackle discrimination in all its forms'</p> <p>This requires governments to ensure that disabled people are included and disability discrimination issues are addressed across all goals and targets</p> <p>A target on inclusive development within the cross-cutting goal: 'Integrate the principles of inclusive development into country policies, programmes and processes, and ensure the equal inclusion and participation of people who are marginalised as a result of age, gender, disability, geography and ethnicity in development'</p>
	<p>Stigma is a major problem as regards disabled people, especially in developing countries that do not have equal access to health, education, jobs, etc. Therefore policies should be adapted to be inclusive. It is essential that people with disabilities are consulted throughout the process. The Bank should – to be inclusive in its development – make sure to bring disability in, through mainstreaming Safeguards or in other ways. Human rights should inform the Safeguards approach. It is important to note that physical and mental disabilities are not the same. Bank Group staff also need to be trained.</p>
Development indicators	<p>Develop indicators to measure progress against the cross-cutting goal</p> <p>Embed a focus on disability within a cross-cutting goal on equality and non-discrimination</p> <p>Inclusion of disability within sectoral goals, targets and indicators</p> <p>Ensure that the voice and participation of disabled people is promoted within the framework: Compliance with obligations under the UNCRPD</p> <p>Disability focused indicators: A requirement for all indicators across the framework to be disaggregated by disability in addition to gender, age and geographical location</p>
Develop guidance and indicators	<p>To ensure systematic inclusion of disability in relevant World Bank projects inclusion principles should be properly implemented to reduce the gap between stated objectives and actions. For this to happen, the desired outcomes related to persons with disabilities should be clearly stated and appropriate indicators developed. Furthermore, there should be appropriate guidelines to ensure that the inclusion of policy is implemented.</p>
	<p>Performance indicator must include ways of monitoring and evaluating on the bases of disability. These indicators may assess if</p>

	the project impact is equitable for persons with disabilities.
	The M & E frameworks and other monitoring tools should capture variables on disability to assess outcomes and resulted that are disability related with clear performance indicators.
Country systems	In terms of how the Bank's use of country systems could affect issues related to disability, country systems can be a valuable solution to build the capacity of countries, provided that the World Bank carefully monitors the enforcement of disability provisions. Provisions could be made for disability organizations and civil society in general to contribute to the monitoring process.
	Most of the world's countries have signed and ratified the CRPD (155 have signed, 130 have ratified), but need support implementing it.
Include disability language	The use of broad terms such as "vulnerable populations" should be avoided as they avoid defining in clear terms which groups should be included in the category, thus leaving room for misinterpretation.
Supply chain	<p>Public Procurement The Bank must have safeguards to ensure that all procurement in Bank funded projects complies with accessibility standards and guidelines. This must be so irrespective of whether the country procurement system addresses accessibility for disabled persons. The World Bank may adopt minimum accessibility standards to be complied with in projects in countries that do not have national accessibility standards and guidelines.</p> <p>Private Sector Often in country laws the private sector is not accountable to ensure inclusion and non-discrimination of persons with disabilities. The Bank must pioneer this through safeguards, requiring the private sector to be non-discriminatory and equitable towards disabled people in all Bank funded projects.</p>
	Whenever applicable, use the procurement mechanism to help implement the Convention on the Rights of Persons with Disabilities; including in the bidding criteria the accessibility requirement, and making the criteria for bidders accessible and less stringent for cooperatives of persons with disabilities and business owners with disabilities.
	Recommendations: Free, Prior, Informed Consent
Need to be considered	It needs to be stressed that five of the seven emerging issues directly concern indigenous communities. This process should not only respect the right to consultation but also the right to decide. Indigenous communities are asking the Bank to include the topic of "free, prior and informed consent of Indigenous Peoples" in its policies. It is not sufficient to hold a "hasty consultation". There is opposition to the fact that the Indigenous Peoples policy is diluted in this update. It is not sufficient to hold meetings with civil society, experts, and the affected communities. The indigenous communities need to be consulted, because they are the rights holders. Account needs to be taken of the rulings handed down by the Inter-American Court of Human Rights (e.g., the Saramaka case). It is not only the environmental and social impact that needs to be analyzed, but also the impact on human rights, through specific studies.
	Free, Prior and Informed Consent should be part of the policies and applied consistently across all instruments.
	The Bank has been holding consultations for many decades. Informed participants can understand and appreciate Free & Prior Informed Consent. The views and opinions of those who may not have this privilege should be carefully sought and taken into

	account.
	There are some important gaps in the safeguards policies, including the absence of Labor Standards, gaps in human rights (safeguards do not comply with international human rights law), addressing the global commons, particularly oceans (they are still just country based). Other gaps are: excluding some vulnerable groups from the overall scope of safeguards; ignoring the significant role people with disabilities could play in the development process; no requirement to address unique needs of children, resulting in projects with detrimental impacts on them; inadequate protection of natural habitats; and no recognition of the right to Free, Prior and Informed Consent for Indigenous Peoples.
	We cannot divorce FPIC from recognition and protection of Indigenous Peoples' territorial rights. If those territorial rights are not properly identified, FPIC is not going to work properly, so there should be regularization of communal territorial rights in projects as well as a recognition of FPIC, which means rewriting Paragraph 17 of the current operational policy.
	There are concerns about the implementation, particularly given the review of OP 4.10 and lack of documentation on broad community support, and some of the other indicators relating to implementation of the policy. To address some of the issues identified by the review, Indigenous Peoples have put forward some proposals, which include having an Indigenous Advisory Committee and an indigenous focal point within the Bank. These advisory teams would play an important role in relation to screening.
	Built-in mechanisms for technical capacity building as part of upstream investment are needed. These will include capacity for Indigenous Peoples as well as capacity for government agencies who interact with Indigenous Peoples.
	Free, Prior and Informed Consent for Indigenous Peoples should be adopted
	US likes "consultation" under FPIC. Asian Development Bank formulation is confusing. World Bank is clear. We know this is different from CSO views.
	Upstream, downstream, and long-term cumulative assessments of natural resource dependency need to be mandatory in the Environmental Assessment. Also there needs to be improvement in free, prior and informed consultation at least, if not free, prior and informed consent, for Indigenous People.
	The Bank should adopt international best practices, such as: ADB's disclosure of Social and Environmental Monitoring Reports and disclosure of draft EIA reports at least 120 days before Board consideration in Category A projects; IFC's and ADB's establishment of grievance redress mechanisms; and IFC's free, prior, and informed consent of Indigenous Peoples, labor standards and review of primary supply chains.
	Community consent should be the approach regarding the right of Indigenous Peoples to FPIC. Research is needed to determine if the same standards should also apply to communities that do not necessarily consider themselves Indigenous Peoples, but who are still vulnerable, in particular to establish when this is justified, to identify a basis for this in international law and to determine when it may be in conflict with the right of Indigenous Peoples to FPIC. There was support for building on and strengthening IFC standards.
	The Bank should be guided by the principles of free, prior and informed consent with regard to Indigenous peoples and local communities, consistent with international standards.
	The rights of indigenous peoples (IPs) require special priority given the specific rights that they are entitled to under international

	law and the UNDRIP. They have among others a right to self-determination, self-governance, and specific cultural rights. FPIC inclusion to IPs was considered as one of the major wins in the IFC performance standards review. Given it is a basic right under international law, as a minimum our main ask for OP 4.10 would be the application of FPIC for IPs.
	Tenure security is important in realizing the right to adequate housing and the right to food, and this relationship should be recognized in the safeguards. For example, in all cases where restrictions to access or use of land and other natural resources that people depend upon for their well-being occur in a project-affected area, a robust resettlement policy should be applied that incorporates the principle of free, prior and informed consent (FPIC).
	The Bank should expressly prohibit the physical relocation of indigenous peoples, or any restrictions on indigenous peoples' livelihood activities or access to their lands, territories, or resources without their free, prior and informed consent. The Bank should ensure that when lands and natural resources have been taken from indigenous peoples, redress measures take the form of lands, territories and resources equal or better in quality, size and legal status.
	Further, it is imperative that the updated safeguard policies increase access for indigenous peoples and local communities so that they can meaningfully engage in the project process, including in planning, implementation, and monitoring. At a minimum, the forests policy (as other operational policies) should be strengthened to incorporate the right of indigenous peoples to free, prior, and informed consent, which has evolved into a norm of international law and is critical to the realization of rights set forth in the UNDRIP.
	Similar to the forest policy, the natural habitat policy should acknowledge the critical role of indigenous peoples and local communities in environmental protection and should therefore ensure that their rights are protected. The updated safeguards should include strengthened participatory procedures for project-affected communities and, particularly, recognize the right of FPIC for indigenous peoples, in addition to other best standards governing effective and meaningful consultation and participation with local communities. Finally, as noted in the forest policy, definitions, including those of "critical natural habitat" and "degradation," must be refined and aligned with international standards.
	The principle of FPIC, as mentioned above, additionally demands careful and exacting scrutiny. The Center strongly believes that incorporation of FPIC will not on its own resolve the broader challenges of development facing indigenous peoples. The Bank's approach to FPIC should be rooted in, and in addition to, strong protections for indigenous peoples' substantive rights (collective ownership rights to land and resources, self-government rights, and the right to development connected to benefit sharing) and procedural rights (due process of law), from which FPIC derives.
	Review of existing laws on FPIC and its implementation is critical in the development of the safeguards framework. There are varying national IP law systems and these should be relied upon cautiously.
	Following the mandates guaranteed under the UNDRIP and the CBD, the word "CONSENT" in Free Prior Informed Consent must not be treated equally as Free Prior Informed Consultation because technically they are different words with different form of applications.
Integrated policy approach	To ensure that the Bank is meeting its obligations under international law, free, prior and informed consent is a standard that should be adopted by the Bank in all of its policies, including with regard to OP 4.10.
	Pursuant to paragraph 18, borrowers are required to equitably share benefits with Indigenous peoples derived from commercial

	development. Paragraph 18 should be updated to reflect the fact that such sharing of benefits should take place after free, prior and informed consent and on mutually agreed terms.
	OP 4.37 Safety of Dams. At the least, OP 4.37 should be updated to provide that when the Bank finances a project that includes construction of a new dam, such construction will be undertaken with the free, prior and informed consent of affected communities.
	Consideration should be given to how Indigenous People interact with environmental law and the Environmental Assessment and how these interact with consent of Indigenous Peoples.
	Free, Prior and Informed Consent of Indigenous Peoples. Free, prior and informed consent should be a cross cutting issue that is incorporated throughout all the Bank's safeguards. This means that free, prior and informed consent should be sought not only from Indigenous peoples, but local communities as well.
	We particularly urge the Bank not to limit its discussions on indigenous peoples to FPIC, but to take this opportunity to develop an "integrated framework" that respects indigenous peoples' substantive rights of self-determination and collective ownership of land and resources, as well as their right to due process of law in consultation proceedings.
	The right to Free Prior Informed Consent (FPIC) in accordance with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) along with the recognition and respect of the rights of indigenous peoples.
	Consider inclusion of FPIC elements in the World Bank's safeguards policy, principle and operations. The policy needs to be conceived and made operational given the context of countries with laws on IPs and those who don't recognize Indigenous Peoples.
Stand-alone policy approach	It is important to stress that indigenous issues should not be seen as crosscutting, and that a separate safeguard policy should be maintained for this population group. Consultation, as currently established, should be maintained; but consent should also be added for cases in which there are impacts on land and natural resources, or critical habitats.
	The policy on Indigenous Peoples should be kept as a stand-alone policy and clearly contain Free, Prior and Informed Consent (FPIC) and not free prior informed consultation leading to broad community support or free prior informed broad community support with good-faith negotiation. The notion of broad community support should be eliminated.
Apply international treaties and agreements	In order to strengthen its safeguard policies, the World Bank should adopt the highest standards of human rights and make commitments that cannot be negotiable under the contractual relationship of a project. The Bank should recognize indigenous peoples as rights holders and incorporate the rights guaranteed by the United Nations Declaration on the Rights of Indigenous Peoples. In addition, the Bank should strengthen laws and governments that do not respect human rights
	The updated Safeguards should include a comprehensive human rights policy – or at least include a compulsory human rights due diligence process to be undertaken by both the Bank and its clients – and ensure it is in line with international standards. More precisely, the policy regarding Indigenous Peoples should be aligned by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other applicable international standards, especially with regard to FPIC, displacement and resettlements, and forced evictions, for which an explicit prohibition should be made.
	Amnesty International recognizes that many states – and companies – as yet do not have clear standards of FPIC that are consistent with the UN Declaration on the Rights of Indigenous Peoples, or struggle to implement the standards in practice. As a

	result, in such cases, it is critical that the Bank establish, in conjunction with the affected communities and – where possible –the participation of the relevant state authorities, a process to seek FPIC that is consistent with UNDRIP. While the recipients may be involved in implementing the process steps to seek FPIC, the Bank should ensure robust oversight, including by ensuring that an independent monitor, agreed with the affected communities, is engaged. Affected Indigenous communities should have full information on the proposed project, expected impacts, and on the process and their rights within that process.
	Reform the Indigenous Peoples policy to include Indigenous Peoples’ Free, Prior and Informed Consent (FPIC) for any activities substantially affecting their lands, territories or resources, or affecting their human rights. FPIC should be “consent”, not consultation leading to broad community support. Ensure that the policy is in line with the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other applicable international standards, especially with regard to FPIC.
	Assist borrowers to adopt, implement and enforce the United Nations Declaration on the Rights of Indigenous Peoples and other international law obligations. Use legal language in policies, do not avoid human rights terms, for example.
	Ensure that following the United Nations Declaration on the Rights of the Indigenous Peoples, the word “consent” in “Free Prior Informed Consent” is respected and every project that is designed and implemented in Indigenous Peoples’ territory, shall be accompanied by a formal agreement defining or stipulating the terms and conditions that shall protect and promote the rights of the Indigenous Peoples, as well as their active participation in monitoring the project.
	Safeguards should take account of progress made in international treaties, as well as the recognized rights of Indigenous Peoples. It is essential that the United Nations Declaration be the pillar on which the new directive on Indigenous Peoples is founded (ILO 169; UNDRIP). Issues relating to Indigenous Peoples should not be limited to considerations of poverty or vulnerable groups; a more comprehensive vision is needed.
	Human rights need to be included in full, clearly and explicitly, and Bank staff need to be trained and onboard. Respecting human rights is also risk management. The new Safeguards should abide by UN standards. For resettlement, including FPIC, these should be above and beyond IFC standards. The scope should go beyond lending, and also include advice etc. The World Bank Group should not participate in a “race to the bottom.” It was argued that the Bank can fully respect non-political interference, and still decline to participate where human rights are not respected.
	As regards Indigenous Peoples, the World Bank’s current standards do not conform to UN conventions. IFC standards are not far reaching enough as regards FPIC; this should be addressed in an expert group on FPIC.
	Since currently developed national policies and legislation in various countries are actually undermining the rights of Indigenous Peoples, and since there is still a big gap in the implementation of these rights, a strong Bank safeguard to protect their rights as stated in the UN Declaration on the Rights of Indigenous Peoples (2007) is very much needed.
	In addition to being informed about their rights to cultural resources under statutory and customary law as set forth in paragraph 19(a), Indigenous peoples should also be informed of their rights under international law to which the borrower is a party.
	Paragraph 11 should make clear that the people who are subject to resettlement are included in the decision of whether adequate land exists consistent with the right to free, prior and informed consent. Paragraph 15 should be updated to reference land rights pursuant to ILO 169 and the UNDRIP.
	When seeking the free, prior and informed consent of communities (whether Indigenous or otherwise) affected by Bank projects,

	the Bank should apply internationally recognized standards for doing so. Furthermore, the Bank should assist communities in articulating their own requirements for providing free, prior and informed consent, such as through the use of community protocols.
	<p>Relocation of Indigenous Peoples from traditional or customary lands</p> <p>One of the most prominent international standards for Indigenous Peoples is their right not to be removed from their traditional or customary lands without their consent. OP4.10 needs to be revised to incorporate this human right. The relevant international standard is Article 28 of UNDRIP. The standard is also contained in the International Labor Organization Convention 169 (1989). Free, Prior and Informed Consent (FPIC)</p> <p>The UNDRIP requires states to seek free, prior and informed consent from Indigenous Peoples. The Bank must endorse the right to informed consent as outlined in the UNDRIP.</p>
Apply international treaties and agreements	Free, prior and informed consent (FPIC), as required under the United Nations Declaration on the Rights of Indigenous Peoples, must be the standard for approval of all projects impacting indigenous peoples. Furthermore, it is important to recognize the rights and needs of the 800 million forest-dependent peoples who are not indigenous, and thus not protected by OP 4.10. Safeguards should address underlying issues of land tenure, and ensure that Bank interventions do not compromise local communities' customary rights or use of land and associated resources.
	The Bank should require that borrowers obtain the FPIC of indigenous peoples, with third-party verification, for any projects (1) on or involving indigenous peoples' lands, territories or natural or cultural resources, or (2) which may substantially affect their lands, territories or natural or cultural resources or (3) may affect their human rights
	Require that project proponents acquire the free, prior and informed consent (FPIC) of indigenous peoples with regards to decisions which impact on them, including any impacts on lands, territories or resources. It should be clear that the right to FPIC gives the affected community the right to give or withhold their consent to any programs and projects to be implemented in their territories.
	With regard to indigenous peoples the application of "free prior and informed consent" is of utmost importance. Regarding other local communities, two options could be considered: a) to follow the Voluntary Guidelines on the Responsible Governance of Tenure and apply "free, prior and informed consent (FPIC) when Indigenous People are involved and „active, free, effective, meaningful and informed participation [...] in decision-making processes" in regard to other local communities or b) to follow the logic of private commodity standards such as FSC, RSPO and RSB that (recommend to) apply FPIC to indigenous people and local communities.
	The World Bank should maintain a distinct safeguard policy for Indigenous Peoples and update the relevant safeguard policies in light of the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), especially the Indigenous Peoples Policy & Involuntary Resettlement Policy. It was suggested that FPIC should be connected to substantive rights (collective ownership rights to land and resources, right to self-government, right to development, and benefit-sharing); procedural rights (due process of law). Indigenous Peoples Plans should be seen as key opportunities to take into account Indigenous Peoples' own development priorities. Environmental Assessment processes should assess both positive (do good) and negative impacts (do-no harm) on the rights of Indigenous Peoples

Consider operationalization and applicability	“Broad Community Support” is ambiguous. The World Bank needs to think through an appropriate mechanism for such consensus building process.
	On FPIC, US understands the term to mean meaningful consultation, hence FPIConsultation leading to broad community support is the approach that the US supports. On the other hand, the US can support other institutions' approach to FPIConsent, e.g., by ADB (even if ADB's approach is arguably confusing). Wanted to know if any government is pushing for FPIConsent. The US feels there is a need to set procedure on how to determine broad community support
	Incorporation of the requirement for free, prior and informed consent could cause certain difficulties in project implementation. The consent terminology is interpreted differently by the government and civil society.
Recommendations: GENDER	
Need to be considered	It is important to address the issue of women specifically because if incorporated transversally theme makes visible not the problem.
	The interests of disabled people (particularly women) should be taken into account; using sign language where necessary is important. It is also necessary to clarify how the Convention on the Rights of Persons with Disabilities could be promoted
	There is a need to clearly mention gender issues and include determination of eligibility. There should be no discrimination against women. In certain cases, women have to be older (30+ years) to get the same benefits that a man receives once he turns 18. There should be no gender bias. It is important to do good for women too.
	There is a lot of trafficking of women, especially those who are deaf. There is a lot of sexual abuse in tribal areas. Health is a major concern. There are no toilets for the disabled. Even if there are toilets, they are not user-friendly, so no one can use them. This situation is very bad.
	There are two other issues the Bank may wish to address: (1) health sector – sterilization of women with disabilities; and (2) Electro-convulsive therapy that is being used for mentally disable/mentally ill. These are being done in hospitals that receive partial funding from the Bank.
	An emphasis on gender mainstreaming and providing rights for women is welcome. In India, only 1-2% of women own land. Therefore, the question of compensation for women doesn't arise.
	Having worked on violence against women for the last 30 years, the CSOs present note an exponential increase. This is not a personal and domestic issue restricted to the family. This goes much beyond. There is a destruction and devaluation of women in the macro policies.
	Implement programs earners in favor of the most vulnerable populations, particularly women
	Special attention should be given to gender aspects of migration, namely, collection of data on the age and sex structure of migrant groups, and emphasizing the differences to be addressed in the gender-differentiated assistance to migrants.
	Ensure that there is an accountability mechanism for gender discrimination so that when there are problems with discrimination there's actually recourse for impacted women and that there are comprehensive mechanisms to monitor and evaluate impact.
	To understand whether or not there is a negative impact on gender, there has to be baseline data. In the assessment/identification phase of a project, it would be important to look at issues related to gender.

	Strengthen the policy regarding the care of vulnerable persons (women, the disabled, etc.).
	Suggest harmonization between the World Bank and partner banks of common policies, to include the Gender component.
	Request the establishment of communications explaining to women the World Bank's policies and work concerning them or their towns.
	It is important to take account of the differentiated impact of the Bank's policies according to the gender of the person affected, his or her membership in an indigenous or Afrodescendant community, and whether he/she has a disability.
	Gender and climate change should be addressed
	Gender issues should not be restricted to women's rights, but should be extended to include the rights to sexual diversity. These should be treated as emerging issues. Non-discrimination against women is an old theme. Women should not be treated as a vulnerable group or one that has been made vulnerable, as women account for half of the world's population. Despite this fact, there is a disparity in salary levels, women are subjected to sexual harassment, are discriminated against when promotions are being awarded and are subject to horizontal discrimination when doing certain tasks. There are also stereotypes of women's work and restrictions in their choice to have children, etc. The Bank should find a way to highlight the question of women's rights, especially with regard to their contribution to development.
	It is not easy to determine exactly where the question of sexual diversity would fit in under the theme of safeguards. It is especially unclear how the subject could be included under infrastructure projects. On the other hand, it could be incorporated into education and health projects, where these issues are normally excluded. In order for projects carried out in these sectors to receive funding, the theme of sexual diversity should be incorporated. This should include preventative health programs. This may be difficult, in light of the fact that today, sexual relations between persons of the same sex are penalized in over 80 countries, in some cases with the death penalty. The Bank should analyze ways to ensure that questions of sexual diversity are addressed.
	The policy of safeguarding indigenous peoples is very important, is transverse and is related to all other safeguard policies of the World Bank. However, there is always a risk that gender mainstreaming translate into invisibility and lack of compliance. This risk is also seen in environmental safeguards
	Issues such as gender, water, or disability, among others, could either be addressed as a strategy or a standalone safeguard, or be incorporated into an existing safeguard. The Bank needs to decide which approach would be more effective for Bank-financed projects in the long run.
	Turkey has begun a process in which a safeguard system that favors investors has been proposed. This system lags far behind the safeguard principles adopted 30 years ago. Such a trend would eliminate the progress to date in the field of safeguards and would in fact foster a strategy for circumventing safeguard requirements. The Bank should clearly and precisely specify how the new generation of safeguard policies will be developed and implemented, together with the new areas such as gender equality and climate change.
	Gender Equality and Women's Rights. The Bank's new safeguards should explicitly protect women's rights and promote gender equality in all stages of Bank activities and measure the gender impact of outcomes. To live up to its own commitment to protect people and their environment against harm and promote gender equality, the World Bank's safeguards should include specific

	<p>mandatory measures to:</p> <p>Conduct gender impacts and risk assessments of potential changes in livelihood and living environment and heightened violence directly or indirectly related to projects, programs and policies;</p> <p>Ensure the involvement of women in decision-making in all Bank supported activities;</p> <p>Collect sex-disaggregated data to measure every investments' impacts on men and women;</p> <p>Provide full and complete project, program, and policy information to women in languages, forms and ways understood by them; and</p> <p>Develop gender-sensitive and gender-responsive grievance mechanisms at project and program level.</p>
	<p>Gender considerations and gender-balanced consultations. Communities are not homogeneous, but are composed of women and men. Programs and projects financed by the World Bank have impacts on people and the environment. However, women who are part of the affected communities, because of their gender roles, are often excluded from the decision-making, so their views and interests relating to their lives, family, community, livelihoods and their environment are neglected.</p> <p>Recommendations: Women should be recognized as stakeholders and involved in the safeguard review consultation process. Specific measures to involve them should be developed. This kind of approach would provide input to the safeguard review directly based on women's own experiences and knowledge.</p>
	<p>Lack of clarity and detail in the operational safeguard policies of the World Bank, in relation to the consideration of social issues, some of which such disability, gender, and tenure are included in the emerging issues presented in the framework document</p>
	<ul style="list-style-type: none"> •Protect women's human rights and comply with international women's and human rights standards, treaties, and due diligence practices; •Identify and prevent potentially harmful impacts on women, men, girls and boys, including changes in livelihood, environmental degradation, and heightened violence directly or indirectly related to projects, programs or policies; •Integrate gender analyses and risk assessments into all project design and implementation that respond to distinct gender, care work, and lifecycle needs; •Account for specific needs of female-headed households, as well women and children within male-headed households; •Collect sex-disaggregated data across project indicators to measure every investment's gender impacts; •Design projects to proactively address gender inequalities, including men's and women's differential access to assets, property, education, credit, and other resources; and •Provide full and complete project, program and policy information to inform and equally engage women and men in languages, forms and ways that are culturally appropriate and easy to understand.
	<p>Gender Inputs—World Bank gender safeguards must incorporate:</p> <p>Women's human rights, and women and men's equal rights as core development objectives;</p> <p>Adoption of safeguards that explicitly prevent harm to women;</p> <p>Proactive, mandatory engagement of impacted women in all project development stages, including women in decision making for all Bank supported activities;</p> <p>Mandatory implementation of gender impacts risk assessments;</p> <p>Collection of sex-disaggregated data in every investment;</p>

	Mandatory gender-sensitive/responsive grievance mechanisms, in particular that the Inspection Panel takes gender discrimination cases; Project information in multiple mediums (not just print) so accessible to all men and women affected by Bank projects.
	Australia would also propose that violence against women receive specific attention. The Bank's safeguards policy could be strengthened by recognising that avoiding or mitigating the increased risk of violence against women and girls in these circumstances is a critical part of the 'do no harm' principle.
	Gender equality and the rights of Indigenous Peoples are two core principles that should be better articulated and integrated into the safeguard policies.
	Gender should be emphasized more in the Bank's safeguard policies. Moreover, access to family planning services and support for women's employment should be prioritized. Such initiatives lead to lower population growth, which makes progress in all other emerging areas easier to achieve.
	The issues raised and recommendations given in the report, "Linking Gender, Environment, and Poverty for Sustainable Development: A Synthesis Report on Ethiopia and Ghana," published by the Social Development Department, Sustainable Development Network, The World Bank, January 2012, should be given significant consideration during the safeguards review. Issues raised in following World Bank working papers should also be considered: Issue Brief: Poverty and Social Exclusion in India - Adivasis and A Closer Look at Child Mortality among Adivasis in India .
	It is important to appreciate the limitations of certain assessments, and that it is imperative to learn what methodologies and instruments work for various sectors and projects.
	Evidence-based analysis and data collection must be emphasized in order to better inform discussions on project implementation and potential impacts.
	Gender issues should be addressed in the environmental and social assessment process at the project level by integrating gender policies under the social part of the Environmental Social Impact Assessment (ESIA) framework for baseline analysis (e.g., gender differentiated impact analysis). Integrating human rights under the ESIA as well, to ensure that discrimination (based on gender and other criteria) is captured in the impact analysis.
Integrated policy approach	Issues such as gender and disability are actually about public participation, is it necessary to separate them out in safeguards? It may cause overlap.
	Important to have a human rights framework that guides this process, and within that human rights framework, rely on the women's rights frameworks that already exist (Canadian International Development Agency, International Labor Organization, etc.
	Gender issues should not be restricted to women's rights, but should be extended to include the rights to sexual diversity. These should be treated as emerging issues. Non-discrimination against women is an old theme. Women should not be treated as a vulnerable group or one that has been made vulnerable, as women account for half of the world's population. Despite this fact, there is a disparity in salary levels, women are subjected to sexual harassment, are discriminated against when promotions are being awarded and are subject to horizontal discrimination when doing certain tasks. There are also stereotypes of women's work and restrictions in their choice to have children, etc. The Bank should find a way to highlight the question of women's

	rights, especially with regard to their contribution to development.
	It is not easy to determine exactly where the question of sexual diversity would fit in under the theme of safeguards. It is especially unclear how the subject could be included under infrastructure projects. On the other hand, it could be incorporated into education and health projects, where these issues are normally excluded. In order for projects carried out in these sectors to receive funding, the theme of sexual diversity should be incorporated. This should include preventative health programs. This may be difficult, in light of the fact that today, sexual relations between persons of the same sex are penalized in over 80 countries, in some cases with the death penalty. The Bank should analyze ways to ensure that questions of sexual diversity are addressed.
	The gender dimension should not be one of the emerging themes but should be part of every fully safeguard - Mainstreaming + monitoring / evaluation
	Safeguards must be inclusive; they must include all issues like labor, disability, gender, etc. Cultural rights must also be included in human rights.
	<p>Gender - The World Bank could strengthen the effectiveness of its revised safeguards policies by expanding on existing references to the need to pay particular attention to the needs of vulnerable groups, including women, within some of the operational policies.</p> <p>Operationalising this policy principle could include specific measures under each relevant safeguard policy. For example requiring: gender analysis as part of determining risk and impacts; gender sensitive social impact assessments; and consultations with affected communities which are culturally appropriate and gender inclusive and include the needs of vulnerable and disadvantaged groups .This approach is similar to that taken by the ADB in its revised 2009 Safeguards Policies.</p>
	The World Bank Group's revised safeguard policies should adopt a gender-sensitive approach that supports the following principles: 1) gender human rights as core development objectives; 2) incorporation of laws to prevent harm to women; 3) empowering women in decision making for all Bank supported activities; 4) compulsory implementation of gender impacts risk assessments; 5) collection of sex-disaggregated data in every investment; 6) establishment of gender-sensitive/responsive grievance mechanisms (in particular, delegating gender discrimination cases to the Inspection Panel); and 7) enhancing the accessibility of project information through mediums (not just print) comfortably understandable to women affected by WBG projects.
Apply international treaties and agreements	<p>The World Bank should use this Safeguard Policies Review as an opportunity to fix this problem of insufficient gender awareness and does the best efforts to come out with a set of new WB safeguard policies review that is gender awareness in exclusive the policy framework to protect women from its financing operations and rigorous requirements for gender considerations.</p> <p><u>Principles of the policy framework should include:</u></p> <ul style="list-style-type: none"> -Adhere to international agreements, conventions and declarations particularly CEDAW (Convention on Elimination of Discriminations against Women), UN-Covenant on Civil-Political Rights, UN Covenant on Economic, Social and Cultural Rights, UN Declaration on Rights of Indigenous Peoples -Protection to women their rights and commitment for preventing women from impacts and risks of WB operations; -Inclusion of gender awareness attitude by acknowledging different experiences of women and men in facing impacts and risks of WB operations; and also acknowledging specific needs of women;

	<ul style="list-style-type: none"> -Differentiation of women and men from people or community in order to be more clear and details about impacts and risks, mitigation measures and assistance tailored to the specific needs, identities and uniqueness of women; -Acknowledgment to women as one of the rights holder and stakeholders in the community, as an essential determinant of social outcomes; -Acknowledgement of gender dimensions in the social aspects; and -Acknowledgment of women as heads of households and women's differential status, experiences, and needs within male-headed households <p><u>Policy requirements should include:</u></p> <ul style="list-style-type: none"> -Gender impacts and risks assessment of the changing environment or landscape of livelihoods to women in regard to health, including sexual and reproductive health and safety; -Specific measures to involve women in any decision making in regard to environmental assessment, mitigations, resettlement and other development plans; -Gender disaggregated baseline data and information on demographic, economic, social, cultural, and political status; -Specific and culturally-appropriate measures to assist displaced local and indigenous women in dealing with difficult situation triggered by involuntary resettlement activities; -Gender sensitive and responsive grievance mechanism; -Specific measures to consider female-headed households.
Recommendations: HUMAN RIGHTS	
Need to be considered	Human rights need to be included clearly and explicitly. Respecting human rights is also risk management. The new policies should abide by United Nations standards. The scope should go beyond lending, and also include all Bank instruments.
	Adequate human rights due diligence carried out by the Bank, as increasingly suggested by a number of UN Special Procedures, would be an excellent tool to identify the potential risks to human rights the Bank's activities might pose and would also help identifying potential impact on different interest groups, such as children and women. Where governance or the rule of law is weak, the Bank should not completely devolve responsibility to governments, but rather also take responsibility for its role in contributing to potential detrimental effects on human rights through its lending. In this regard, the Bank should ensure that impact assessments carried out by the borrowers adequately identify potential adverse impact to communities likely to be affected.
	Emphasis should be placed on strategic environmental assessment and evaluation of cumulative impacts. This could include the identification and evaluation of impacts on human rights.
	Free and prior informed consent of Indigenous People was not implemented by the Land Administration and Management Project in Bukidnon. If the Indigenous Peoples had not asserted their right to free prior and informed consent, consultations would not have been done. Although the area was not in the ancestral domain, there are Indigenous Peoples who live there and are apprehensive about land titling. In the end, the local Project office hired four Indigenous People as coordinators to represent the group's concerns in the staff. The World Bank response: The Philippine Indigenous Peoples Rights Act is based on the principle of Ancestral Domain-that is, free prior and informed consent is required only if the project site is within or overlaps with

	any ancestral domain claim. However, the World Bank policy of free, prior and informed consent does not depend on the territorial bounds of ancestral domain and should apply whenever there are Indigenous Peoples in the project site.
	Human rights could "form a bridge between do-no-harm and do-good," but a lot of effort would have to go into building capacity for effective monitoring on the ground.
	Safeguard policies should make clear reference to obligations under human rights law.
	The Bank should adopt human rights due diligence and ensure that its activities respect human rights. An element of this due diligence should involve undertaking a human rights impact assessment to assess and address the human rights risks of all of its activities.
	The other law is the ODA Accountability Act of 2008, which has three criteria: 1) poverty reduction, 2) perspectives of the poor are taken into account, and 3) consistency with human rights standards. We have to assess all initiatives against these criteria. Regarding this third criteria of the ODA Act (consistency with human rights standards), the absence of the use of the term Human Rights in safeguards makes it a bit harder to demonstrate consistency with this criterion. There are court challenges saying that the Bank has contributed to human rights abuses and are calling for Canada to stop funding to the Bank.
	The Ruggi process/framework can be a guide, as it clarifies the respective responsibilities of each party and how each should respond when something goes terribly wrong. The Bank should build due diligence bridges and be specific about the things the Bank will put into place to improve implementation and the external mechanisms for delivery.
	Identify and address potential adverse human rights impact of all Bank activities, not just investment lending.
	Include: human rights impact assessment in the environmental and social assessment, and the prevention of forced eviction in the impact assessment stage. Use the term "preventing forced evictions" in the involuntary resettlement operational policy.
	Ensure that project teams are informed in a way that takes into consideration the cultural and social realities of the project-affected communities. Sustainable use of natural resources should be emphasized, and the policies should reflect the right of local communities to benefit from natural resources. Robust alternatives must be discussed with project-affected communities, and when a human rights assessment shows that there is a risk, there should be a trigger to send the project discussion back to the drawing board to discuss alternatives, including the no-project alternative.
	The emerging issues may be treated as specific or as cross-cutting questions within the safeguards, under the concept of "inclusion" (gender, sexual diversity, disabilities, minority groups, etc.). However, it is believed that a "two-track" approach would be preferable, with specific as well as cross-cutting considerations. Safeguards should focus on human rights, with emphasis on inclusiveness; the Bank should not provide funding for projects that are non-inclusive.
	Even if the Bank considers IFC standards to be up to date, there is still room for improvement. Human rights due diligence, for instance, is still voluntary, and businesses self-report. The Bank must maintain oversight of Safeguards implementation.
	An increased focus on sustainability is welcome, provided that risks, including human rights risks, are effectively and appropriately managed. A move toward principles and results-based performance standards should be accompanied by a strong evaluation framework for safeguard results as well as an accountability framework for the Bank.
	The Bank is not effective enough on issues regarding human rights. First of all, the Bank must undertake a study to analyze the current state in the countries it works with and must provide financing to projects depending on the results of that assessment.

	There is a well-known and important legal opinion on human rights that was prepared by Roberto Dañino (former World Bank Group General Counsel). It expanded the narrative of the previous General Counsel, Ibrahim Shihata. The Bank now has an opportunity to consider the extent to which human rights can be used proactively as a development tool especially if the new Bank president is serious about poverty. Member governments are party to international agreements on human rights.
	The issue of human rights is part of the post-2015 Millennium Development Goals dialogue and it will be important to see where the MDGs will come out on this issue.
	Canada gives over \$1 billion annually to the World Bank Group through IDA and other trust funds subject to Canada's Official Development Assistance Accountability Act, which requires that the initiatives contribute to poverty reduction, take into account the perspectives of the poor, and are consistent with international human rights standards. The lack of a comprehensive human rights policy at the Bank would seem to have relevance to the \$1 billion that Canada provides to the Bank each year as Official Development Assistance. The Government of Canada needs to be able to demonstrate that its funding is compliant with this Act.
	Exclusion and discrimination continue to be key factors that drive and deepen poverty. Economic development initiatives that do not incorporate human rights obligations and principles can deepen marginalization, discrimination, and injustice. The Bank should adopt a safeguard protecting the principles of non-discrimination on the basis of race, color, sex, age, sexual orientation and gender identity, language, religion, political or other opinion, national or social origin, property, birth, disability, or other status.
	Stigma is a major problem as regards disabled people, especially in developing countries that do not have equal access to health, education, jobs, etc. Therefore policies should be adapted to be inclusive. It is essential that people with disabilities are consulted throughout the process. The Bank should – to be inclusive in its development – make sure to bring disability in, through mainstreaming Safeguards or in other ways. Human rights should inform the Safeguards approach. It is important to note that physical and mental disabilities are not the same. Bank Group staff also need to be trained.
	In considering human rights as one of the newly emerging themes, there is a need to have a map of human rights for each country to ensure clarity on where the country stands.
	The Bank should explain how it works with board members who represent countries that have not signed international conventions, like that for the disabled or for the rights of children.
	Human rights are crucial, among which is the right to employment. Taking the garbage collectors as an example, how can the Bank support the intervention of international solid waste management firms that took away the livelihoods of thousands of waste collectors in Egypt?
	Human Rights. The World Bank should adopt safeguard policies aligned with the international human rights obligations of its member states and clients. A cornerstone of the policies should be a requirement that the Bank undertake and require borrowers to undertake human rights due diligence – to identify all potential impacts on human rights for every project or program that the Bank finances, and to take all necessary measures to address adverse impacts. An overarching human rights policy is needed that is comprehensive.
	Finally, while we appreciate that the current forest policy prohibits the Bank from financing projects that contravene applicable international environmental agreements, OP/BP 4.36 should be strengthened to include language that the Bank will not finance

	projects that contravene a country's international human rights obligations.
	<p>The Bank should create a working group to continue discussing how to implement a rights-based development framework</p> <p>The Bank should adopt a policy statement that it will not finance activities that cause or contribute to human rights violations or contravene borrowers' international obligations</p> <p>The Bank should require the use of Human Rights Impact Assessment (HRIA) to identify rights-holders located in the project area and human rights risks related to project activities</p>
	Require Borrower Compliance with Human Rights. Assessment of the borrower's human rights compliance should occur during the Bank's assessment of the governance and legal risk of borrower systems. Due diligence assessments that identify all potential impacts on human rights during project design, implementation, and operation should occur before project approval.
	Human rights need to be included in full, clearly and explicitly, and Bank staff needs to be trained and onboard. Respecting human rights is also risk management. The new Safeguards should abide by UN standards. For resettlement, including FPIC, these should be above and beyond IFC standards. The scope should go beyond lending, and also include advice etc. The World Bank Group should not participate in a "race to the bottom." It was argued that the Bank can fully respect non-political interference, and still decline to participate where human rights are not respected.
	The World Bank should ensure respect for human rights in the activities it funds or supports and might have an interest in promoting human rights (within the constraints of its mandate) as part of its overarching goal of alleviating poverty.
	Disability and Human Rights should be incorporated into the Environmental and Social Impact Assessment.
	Ensure that project level grievance mechanisms enable people to raise concerns about alleged violations of human rights in the context of World Bank activities and ensure that its social accountability mechanisms monitor compliance with international human rights law.
	<p>The World Bank should make the Social Impact Assessment a major focus of its safeguards review and ensure that it is broad enough to capture all human rights impacts.</p> <p>Borrowers (Clients) should develop capacity and resources regarding the Universal Declaration on Human Rights, Convention on Torture (CAT), Convention against Corruption (CAC), and applicable country safeguards.</p>
	The World Bank could take an active role in guiding countries on appropriate assessments needed ex ante and preparing and disclosing assessments. The human rights impacts assessment would need to be clearly operationalized through indicators and the necessary depth of assessment could be determined depending on the country and its human rights record, and also the likely adverse impact of certain projects on communities likely to be affected. Human rights impact assessment could be combined with operational risk assessment tools that the World Bank already has in place.
	The Operation Policies on Environmental Assessments (OP4.01) and all social impact assessments policies disseminated throughout the Safeguards Policies should be put under one policy that should be renamed to incorporate human rights in the title, in order to ensure clarity of purpose and signal the Bank's commitment to ensuring that both loans and policies promoted by the Bank do not cause or contribute to human rights abuses.
	A key element of the Bank's own due diligence is ensuring that those entities to which it provides support are committed to respecting human rights. In the case of states, the Bank should examine whether they have reflected relevant human rights

	obligations in national legislation and policies. The Bank should also require the borrower to carry out adequate due diligence in relation to the project or policy for which Bank support is sought. Where business actors are contracted to carry out project activities the Bank should also ensure that they carry out corporate human rights due diligence. This would require revision of each of each Operational Policies and in particular those related to impact assessments and the use of Country Systems.
	The framework needs to be driven by the human rights-based approach, with equality and non-discrimination as priority themes. To ensure this leads to concrete action, there should be a stand-alone goal on equality and non-discrimination, as well as the obligations to pursue these principles across the new framework.
	The Bank should state in its policies its commitment (as an increasing number of other multilateral banks have been doing) to ensure that the activities it promotes will not contribute to human rights violations.
	Human rights language. Explicit references to human rights are not necessary. Language used should clearly and explicitly reflect the human rights framework as this would help to define relevant issues clearly. Language could be affirmative and address equality and social justice. The use of human rights concepts could contribute to building a culture supportive of human rights. The World Bank could use tools other than safeguard policies to make an explicit link to human rights language, such as ensuring its policies contain a a general statement on the Bank commitment to respect human rights.
	As for recommendations with respect to any of the emerging areas, human rights may not be appropriate to be included as its definition is broad and varied, covering labor, occupational health and safety, and minority people.
	The Bank should consider including disability within a broader human rights framework, provided that specific references to the rights of persons with disabilities are included, as well as detailed language rather than broader non-discrimination terms.
RESETTLEMENT POLICY, Human Rights Gaps	<p>Forced Evictions are human rights gaps within the Resettlement Safeguards Policy. The protection measures that should be applied to all evictions have been clearly articulated in the Basic Principles and Guidelines on Development-based Evictions developed by the UN Special Rapporteur on adequate housing.</p> <p>Under international human rights law, evictions should be undertaken as a last resort and only after all feasible alternatives have been explored in consultation with affected persons.²⁵ Although Policy Objective 2 (a) in OP 4.12 and 2 (b) in BP 4.12 state that involuntary resettlement should be avoided where feasible, or minimized, exploring all viable alternatives to project design, it falls short of incorporating requirements in accordance with international standards. In order to strengthen this policy objective, there should also be greater clarity on the steps that the borrower-government should take to meet the requirement of exploring alternatives to eviction in genuine consultation with affected persons. The Basic Principles outline the steps that should be taken in this regard and these requirements should be reflected in the revised policy.²⁶ Borrower governments should be required to undertake impact assessments that inform alternatives to evictions and strategies to minimize negative impacts on affected communities and take into account the possible differential impacts of evictions on the most disadvantaged groups. The Bank should, in its revised policy, also require the borrower government to make public and, in particular, accessible to affected persons, results of consultations on all viable alternative project designs and plans in order to avoid or minimise evictions.</p> <p>Right to Adequate Housing</p> <p>While OP and BP 4.12 contain some positive elements in relation to resettlement, such as requirements in terms of information, consultation and informed participation of those affected in resettlement activities and planning, there are some critical gaps in the requirements, which could be addressed by incorporating key guidelines in the Basic Principles. Some of the main areas of</p>

	<p>concern are: weak requirements in terms of providing land-based resettlement; lack of a clear requirement to provide alternative adequate housing in all situations where people may be unable to provide for themselves and may be left homeless as a result of the eviction; lack of a clear requirement that resettlement sites must comply with all seven criteria for adequacy of housing under international law.</p> <p>The revised policy should stipulate that resettlement sites comply with all the requirements for adequacy of housing as required by international human rights standards. The Basic Principles, which reflect both international standards and many years of experience of monitoring impacts of evictions, stress that “cash compensation should under no circumstances replace real compensation in the form of land and common property resources”. Considering the impact that evictions can have on communities, especially if undertaken without necessary safeguards, it is essential that the World Bank closes the gaps in protection in the current review process. It is worth noting that the Committee on Economic, Social and Cultural Rights has expressly stated “international agencies should scrupulously avoid involvement in projects which, for example ... promote or reinforce discrimination against individuals or groups contrary to the provisions of the Covenant, or involve large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation. Every effort should be made, at each phase of a development project, to ensure that the rights contained in the Covenant are duly taken into account”.</p>
	There should be a review of Bank-financed land administration projects to see if they indeed consider land tenure as part of a human rights continuum; examples from Cambodia and Guatemala suggest this is not the case.
Integrated policy approach	Emerging issues on basic human rights should be integrated in the framework. The integrated framework should also set positive incentives (vs. exclusion or sanctions) in this regard. An integrated set of human rights safeguards should apply to all Bank activities.
	Rather than a specific new safeguard policy on human rights, issues on the topic relevant to the Bank's work could potentially be addressed through other safeguard policies, e.g., labor and occupational health and safety.
	Adopt safeguard policies aligned with international human rights obligations. Undertake and require borrowers to undertake human rights due diligence for all activities, and ensure that effective mechanisms are in place to implement these policies and address potential adverse human rights impacts. Include mandatory human rights impact assessments in the environmental assessment policy. Clear prohibition of forced evictions, as prescribed and defined by international law: “permanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal protection.” Require human rights impact assessment at all stages of project design and implementation, and when a human rights assessment shows that there is a risk, there should be a trigger to send the project discussion back to the drawing board to discuss alternatives, including the no-project alternative.
	There are human rights risk assessment guidelines and frameworks, but there are so many interrelated issues. The frameworks do not capture or address this interconnection – for example the nexus of human rights and corruption. Lack of attention to these linkages undermines safeguard efforts.
	Human rights also need to be integrated into projects by conducting human rights assessment. Just as the EIA (Environmental Impact Assessment) has evolved and improved to integrate the social dimension, becoming the ESIA, now the assessment process needs to be more comprehensive through the integration of human rights.

	Human rights are cross cutting. Citizens have rights to everything, including environment, decision making etc.
	At a minimum, the Bank should incorporate human rights due diligence into its safeguards, as called for in the Initial Comments by Civil Society Organizations on the World Bank's Safeguard Policies Review and Update (CSO Initial Comments). For further guidance on the intersection of business and human rights the Bank can look to the Report of the Special Representative of the Secretary General on the issue of human rights and transnational corporations and other business enterprises.
	The Bank should align its Safeguards with current international human rights law. In addition, a human rights framework provides the obvious unifying thread across the seven emerging areas – from land and natural resources through to disability and indigenous people's rights.
	All of the Bank Operational Policies which lay out the impact assessment and social and environmental management processes should be revised to incorporate the assessment of impacts on human rights, as well as processes for ongoing monitoring of and accountability for adverse human rights impacts of projects and policies supported by the Bank. All of the Bank's Operational Policies should be revised and be brought in line with relevant human rights standards. When doing this, the Bank should refer to and use the language of human rights instruments in order to avoid any confusion or misunderstanding with regard to the content or rights.
	It will be important to build human rights due diligence of the borrower into Bank Operation Policies. The UN Special Representative on business and human rights stated that: "While [human rights] assessments can be linked with other processes like risk assessments or environmental and social impact assessments, they should include explicit references to internationally recognized human rights. Based on the information uncovered, companies should refine their plans to address and avoid potential negative human rights impacts on an ongoing basis." OP 4.01 should be amended in title and substance to become, 'Human Rights and Environmental Assessment and Management Systems'. It should incorporate adequate human rights due diligence process. This should be a compulsory requirement on borrowers and should be embedded in the Operational Policies and not be left as a voluntary element for high risk projects (as is the case with IFC Performance Standard 1).
	All Safeguards policies, including those on the use of Country Systems, should be aligned to international human rights law and standards.
	-Commit to refrain from financing activities that contribute or are likely to contribute, either directly or indirectly, to human rights abuses, which applies across the gamut of all human rights and equally to all Bank projects, regardless of the lending mechanism employed; and -Adopt human rights due diligence measures, including a human rights impact assessment.
Apply international treaties and agreements	In order to strengthen its safeguard policies, the World Bank should adopt the highest standards of human rights and make commitments that cannot be negotiable under the contractual relationship of a project. The Bank should recognize indigenous peoples as rights holders and incorporate the rights guaranteed by the United Nations Declaration on the Rights of Indigenous Peoples. In addition, the Bank should strengthen laws and governments that do not respect human rights. The World Bank as a specialized agency of the United Nations is an intergovernmental organization subject to rights and subject to the human rights standards of the organization.

	As recommended by the 2013 report by the UN Special Rapporteur on Adequate Housing, it is important to align the safeguard policies with human rights law and standards, for example in the context of resettlement, including a clear statement that the Bank would not support projects that might, directly or indirectly, lead to human rights violations such as forced evictions.
	The updated Safeguards should include a comprehensive human rights policy – or at least include a compulsory human rights due diligence process to be undertaken by both the Bank and its clients – and ensure it is in line with international standards. More precisely, the policy regarding Indigenous Peoples should be aligned by the UN Declaration on the Rights of Indigenous Peoples (UNDRIP) and other applicable international standards, especially with regard to FPIC, displacement and resettlements, and forced evictions, for which an explicit prohibition should be made.
	Indigenous Peoples’ international rights must be considered in FPIC application. Moreover, FPIC should be implemented in line with the provisions specified in the UNDRIP. Assessments need to be carried out with the aim of addressing human rights risks and potential impacts in a broader manner under the umbrella safeguard policy of the World Bank, i.e., need to address issues concerning right to self-determination and right to development, among others. The World Bank may need to consider how to translate these into World Bank procedures and implications for both the World Bank and borrower countries.
	Regarding the third criteria of the ODA Act (consistency with human rights standards), the absence of the use of the term Human Rights in safeguards makes it a bit harder to demonstrate consistency with this criterion. There are court challenges saying that the Bank has contributed to human rights abuses and are calling for Canada to stop funding to the Bank.
	The Ruggi process/framework can be a guide, as it clarifies the respective responsibilities of each party and how each should respond when something goes terribly wrong. The Bank should build due diligence bridges and be specific about the things the Bank will put into place to improve implementation and the external mechanisms for delivery.
	There are some important gaps in the safeguards policies, including the absence of Labor Standards, gaps in human rights (safeguards do not comply with international human rights law), addressing the global commons, particularly oceans (they are still just country based). Other gaps are: excluding some vulnerable groups from the overall scope of safeguards; ignoring the significant role people with disabilities could play in the development process; no requirement to address unique needs of children, resulting in projects with detrimental impacts on them; inadequate protection of natural habitats; and no recognition of the right to Free, Prior and Informed Consent for Indigenous Peoples.
	Adopt safeguard policies aligned with international human rights obligations. Undertake and require borrowers to undertake human rights due diligence for all activities, and ensure that effective mechanisms are in place to implement these policies and address potential adverse human rights impacts. Include mandatory human rights impact assessments in the environmental assessment policy. Clear prohibition of forced evictions, as prescribed and defined by international law: “permanent or temporary removal against the will of individuals, families or communities from their homes or land, which they occupy, without the provision of, and access to, appropriate forms of legal protection.” Require human rights impact assessment at all stages of project design and implementation, and when a human rights assessment shows that there is a risk, there should be a trigger to send the project discussion back to the drawing board to discuss alternatives, including the no-project alternative.
	Provide clear rules and procedures in the safeguards that borrowers must follow, accompanied by guidance notes to help them with the implementation; and ensure clear standards consistent with borrowers’ international human rights obligations and a set

	of minimum environmental and social standards that borrowers cannot deviate from. Provide resources to support capacity building to implement standards.
	Help borrowers attain their commitments in key social areas, including human rights, by helping to strengthen their internal institutions with respect to human rights. Conversely, anticipate and prevent more effectively human rights violations and support borrowers in complying with their own international human rights obligations and domestic laws on rights. On human rights and other social standards, the private sector can be expected to respect these standards, but companies should not be seen as substitutes for strong enforcement by states/governments. The concern that companies have when they sign up to stronger standards is not that respecting human rights or stricter labor laws will entail greater costs but that they will be held liable when governments fail to respect their own laws.
	The Bank's safeguards team should also be working with the Human Development Network in this review process; enhancing existing operational policies to bring them up to standard with international human rights law.
	Review the World Bank's position with respect to the OECD's guiding principles (the Human Rights aspect of business).
	The Bank should take into account countries' compliance with international treaties on various human rights-related issues; (for example, the International Convention on the Rights of Persons with Disabilities) and the safeguards should be consistent with compliance levels. As part of the safeguard review and update process, the Bank should consider the intervention (consultation) of international human rights bodies, for their inputs on the subject (e.g., the International Committee on the Rights of Persons with Disabilities).
	The legal obligations voluntarily adopted by states across the globe to comply with the principles enshrined in international human rights law are significant. Practical, concrete tools for programme development. LIRE recommends PANTHER: participation, accountability, non-discrimination, transparency, human dignity, empowerment and rule of law (principles of human rights-based development programming). The principles of human rights-based development should provide the bedrock of the new safeguards.
	The Bank should look at the commitment of the European Investment Bank (EIB) and European Bank for Reconstruction and Development (EBRD) to human rights and how social assessments are used as a human rights assessment or a human rights impact analysis in these institutions. The Bank's safeguard policies should recognize that the Bank is bound by the UN Charter and that member states have their own legal obligations regarding human rights.
	The Bank should also enhance existing safeguards, in particular, the Indigenous Peoples and Involuntary Resettlement policies, to be consistent with international human rights standards.
	The Bank's Safeguard Policies should be aligned with international human rights obligations of its member states and clients. A cornerstone of the policies should be a requirement that the Bank undertake and require borrowers to implement human rights due diligence to identify all potential impacts on human rights for every project or program that the Bank finances, and to take all necessary measures to address adverse impacts. An overarching, comprehensive human rights policy is needed, covering the full range of relevant human rights issues, such as, but not limited to, labor rights, non-discrimination, the rights of persons with disabilities, and women's rights.
	Human rights need to be included in full, clearly and explicitly, and Bank staff need to be trained and onboard. Respecting human

	rights is also risk management. The new Safeguards should abide by UN standards. For resettlement, including FPIC, these should be above and beyond IFC standards. The scope should go beyond lending, and also include advice etc. The World Bank Group should not participate in a “race to the bottom.” It was argued that the Bank can fully respect non-political interference, and still decline to participate where human rights are not respected.
	The World Bank should adopt safeguard policies aligned with the international human rights obligations of its member states and clients. Incorporating human rights protections will bring the Bank into alignment with recent developments at the UN, support member states in the fulfillment of their human rights obligations, and improve development outcomes by ensuring respect for the rights of those the Bank seeks to benefit.
	<p>World Bank safeguards should reflect the endorsement of a human rights-based approach to development and compliance with international human rights law.</p> <p>Through the safeguards policy, the World Bank Group should:</p> <ul style="list-style-type: none"> -Commit to respect for international human rights law, and incorporate international legal standards in policy texts where relevant. -Make clear to borrowers the Bank’s role under international law, and the extent to which that relates to the obligations of the individual borrower. -Assist borrowers to realize their international law obligations, and provide assistance in implementing and enforcing international conventions to which they have agreed. -The World Bank should not attempt to develop a new set of social standards without recognizing the primacy of existing law. The challenge for the Bank as it refines its safeguard policies is to devise ways by which it can support and promote compliance with international human rights law. -Should reflect human rights requirements of Bank owners (such as Canada) as well as opinion of former WB Chief Counsel Danino.
	The World Bank should incorporate the principles outlined in the Guiding Principles on Business and Human Rights: Implementing the United Nations “Protect, Respect and Remedy” Framework (A/HRC/17/31, annex), adopted in 2011 by the Human Rights Council in its resolution 17/4, and to ensure that the safeguard policies are aligned with the Guiding Principles.
	In general, the Bank should ensure that both substantive and procedural human rights are respected in the implementation of projects it funds. These substantive and procedural rights are set forth in a range of international and regional instruments, including those that make up the International Bill of Human Rights, as well as standalone instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, ILO 169 and the UNDRIP. Additionally, where applicable, reference should be made and borrowers should be aware of how these rights have been interpreted in relevant jurisprudence. Such jurisprudence includes decisions by the universal periodic review of the Human Rights Council, the Inter American Commission on Human Rights and the Inter American Court of Human Rights, and the African Commission on Human and Peoples’ Rights ⁷³ addressing, among other things, the duty to consult with Indigenous peoples and to obtain their consent.
	The Bank’s Articles of Agreement, which were once narrowly interpreted to preclude governance issues, should now be interpreted to permit the consideration of human rights issues because they relate to development and poverty reduction goals.

	In updating its safeguard policies, the Bank should take into account current best practice for human rights due diligence, as reflected in the UN Framework and Guiding Principles on Business and Human rights, a widely-accepted framework to help elaborate the responsibilities of businesses and the duties of states with regard to corporate impacts on human rights.
Apply international treaties and agreements AND Due diligence	<p>The Bank has a responsibility to respect human rights and as a minimum, to discharge its responsibility Amnesty International maintains that the Bank should:</p> <ol style="list-style-type: none"> 1) Put in place a robust human rights due diligence mechanism, fit to adequately identify and prevent risk to human rights as a result of all activities supported by the Bank 2) Present Member States with and encourage them to adopt safeguards policies which are fully in line with international human rights law and standards. <p>A clear, stated objective of the World Bank safeguards policies should be to ensure that Bank's investments do not cause or contribute to human rights violations.</p> <p>In order to attain this objective the Bank should incorporate an explicit identification of risks to human rights. It is also important that the Bank ensures that the process of assessment of risk is itself in line with human rights standards and is carried out using a human rights framework. This would include ensuring that people are able to participate in the process of identifying risks and formulating preventive strategies, that their knowledge and views are respected and given due weight, and that the process reflects principles of non-discrimination.</p> <p>The World Bank Safeguards Policies should include a clear policy commitment to human rights and a statement that the Bank will not support activities that are likely to cause or contribute to human rights abuses. This policy statement should also provide that the Bank will undertake (and require borrowers to undertake) adequate human rights due diligence both for the projects it supports and for the policy advice it gives to governments.</p>
	The Bank has not yet been able to mainstream human rights. Human rights are about law and country capacity. International law cannot be separated from national or local law. The Bank should consider whether human rights laws are being breached in loans it provides to countries. Most countries, including those that engage in systemic torture have signed international covenants that obligate them under international law. The Bank should consider the extent to which these are respected when assessing a country program.
Apply international treaties and agreements	<p>In order for the WB to bring its risk management framework in line with the objective of ensuring that projects and policies it promotes do not cause or contribute to human rights abuses, the following revisions are critical. The main elements of a World Bank human rights due diligence approach is to formulate a clear policy statement on preventing human rights abuses .</p> <p>The revised Safeguards should include a clear policy commitment that the Bank will take all reasonable measures to ensure that the potential impact of projects it supports, as well as World Bank activities and policies, are assessed against international human rights standards with the aim of preventing projects from causing or contributing to human rights abuses. The Bank should make clear that it will take appropriate action to address cases where projects and or policies it supports cause or contribute to abuses. This policy commitment should inform all policies and projects supported by the World Bank.</p>
	The World Bank should uphold -together with adopting the issue of disability as one of its safeguard policies- international human rights standards, especially those pertaining to persons with disabilities, and to use the United Nations Convention on the Rights of Persons with Disabilities as a model for enhancing opportunities of inclusive development and disability mainstreaming,

	primarily in areas, such as education, health care, employment, and political participation.
	Enhance existing safeguards to meet international human rights standards, including updating the indigenous peoples and involuntary resettlement policies to meet the standards set out in relevant human rights treaties, declarations, and documents from treaty bodies and UN special rapporteurs interpreting these obligations.
	The World Bank safeguard policies should uphold human rights. Specifically, the new policies should require the World Bank to undertake human rights due diligence, including: (1) A commitment not to finance activities likely to cause or contribute to human rights abuses; (2) Human rights impact assessments for all Bank-financed activities - especially those that have or potentially lead to forced evictions; and (3) Policies that are consistent with human rights standards.
	The World Bank may have a role in supporting countries to uphold their legal human rights obligations, ensuring that its safeguards policies are in line with human rights law and standards. A number of human rights treaties have been ratified by donor and borrower countries The World Bank should strive to not undermine the efforts undertaken by countries to uphold their legal obligations and not interfere with regional human rights bodies and their judgments. The World Bank could decide to not work in countries where certain minimum standards of public participation are not met, as meaningful development might be hindered under such circumstances. The World Bank should aim at building an enabling environment for the poor through supporting governments in upholding their obligations.
	There is a distinction between different human rights instruments and processes, in particular between binding international treaty obligations and the pronouncements of international courts or the United Nations Security Council on one hand, and declarations or recommendations of treaty monitoring bodies on the other hand. The Bank should implement binding decisions of regional human rights bodies and not undermine them.
	The World Bank must work within the UN international framework, and ensure that borrowing countries are following the UN standards on human rights issues. For persons with disabilities, that framework is the Convention on the Rights of Persons with Disabilities.
Harmonize with international treaties or other agreements	Larger human rights discourse. The World Bank could consider the ongoing discourse in the broader development community and especially in the United Nations system, when considering safeguards and human rights. Safeguard policies are only a part of the larger engagement between the World Bank and its member countries. This discourse could be unified within the World Bank Group and across development institutions.
	The Bank should take into account countries' compliance with international treaties on various human rights-related issues; (for example, the International Convention on the Rights of Persons with Disabilities) and the safeguards should be consistent with compliance levels. As part of the safeguard review and update process, the Bank should consider the intervention (consultation) of international human rights bodies, for their inputs on the subject (e.g., the International Committee on the Rights of Persons with Disabilities).
Consider specific country contexts and initiatives	Egypt has ratified a number of conventions and agreements related to Labor and Human Rights that the World Bank should make binding.
	Human rights and labor etc. are not environmental issues. It is difficult for Chinese EA institutions to prepare EA if seven

	emerging issues are all added into the EA requirements; It is also questionable whether the relevant authorities could approve the EA documents in this case, because some issues are out of their jurisdiction. The updated policies need to take into account both local legal systems and local conditions. The Bank should focus on environmental issues and on improving the serious environmental quality issues that plague China. Environmental framework approach could focus on macro level, looking at ecosystem services, emission readings, etc. Note that labor and human rights are the domain of other agencies.
	The Bank should guarantee transparency of information for earmarked credit funds to avoid negative consequences. For example, there was a negative experience in Kazakhstan linked with IFC participation in the Karashyganak Project, namely, complaints regarding the violation of local people's rights, national legislation and the Aarhus Convention.
	Special policy should be developed for Central Asian countries focused on problems of human rights, such as the calibrated approach of EBRD in cooperation with Turkmenistan.
	The framework should not be too specific with Indigenous Peoples processes and should avoid prescriptive procedures. The World Bank deals with a number of governments that have their own laws and constitutional processes. It is imperative to look at the country legal perspective of FPIC implementation and address the IP rights in specific country contexts. Three possible scenarios can be explored: (i) when a country has national laws on land rights and IPs, and recognizes FPIC; (ii) when a country does not recognize land rights of IPs; and (iii) when a country does not recognize IPs. The key here is to have the right underpinning of principles and the right mix of expertise to apply judgment on IP matters. For those countries where IPs are recognized, the challenge lies on how to effectively engage with the Indigenous Peoples. The UNDRIP provides for at least three conditions: (i) provision of interpreters; (ii) adequate time and means for consultations; and (iii) provision of legal counsel. This set of elements may be incorporated in the development of the policy framework. There should also be provision on monitoring of the FPIC implementation, and this entails resources.
	World Bank-administered trust funding has had a positive impact on the rights of people with disabilities, including, for example, a Japanese trust fund that has promoted the creation of projects on disability in several countries around the world. There needs to be a trust fund that could fund capacity building activities of policy makers and practitioners, but also of disability activists.
Avoid use of country systems in countries lacking human rights protections	In many cases the country systems approach is a positive one. NGOs have been critical of conditionalities for years. But in cases of countries with no judicial system or human rights protections, the Bank should avoid using country systems. The Bank is increasingly supporting government agencies without any Safeguards. The Bank has to make a choice: apply the Safeguards rigorously or avoid country systems.
Consider operationalization and applicability	There is doubt as to whether the Bank really has sufficient capacity to evaluate its own safeguard policies. Moreover, there are questions about how the topic of human rights will be included in an operational way. The Safeguards review should provide clear guidance on how human rights will be addressed in a practical manner. It would be better to speak of human development. There is also concern at the absence of a specific topic dealing with the rights of children.
	Human rights goes beyond safeguards so it may be difficult to include it in the policies.
Due diligence	Carry out a preliminary assessment on the potential impact on human rights An independent preliminary assessment will enable the Bank to effectively vet the results of successive assessments carried out

	by the borrowers and also define what level and scope of human rights assessment is required for a specific project. The preliminary assessment should be made public, in order to allow interested parties to also validate the basis of the decision of the Bank to fund/support a certain projects or policy
	There is not a policy to require the necessary human rights due diligence to ensure the Bank does not fund (directly or indirectly) violations of human rights. Instead of using a human rights impact assessment, the Bank is using social assessments.
	Ensure that the Inspection Panel has jurisdiction over the implementation of the safeguard policies, as amended to include human rights due diligence.
	<p>While the field of human rights impact assessment is a developing one, the following principles should guide assessment processes.</p> <ul style="list-style-type: none"> I. Explicit application of the human rights framework II. Adapt to different circumstances and phases of the projects III. Uphold rights to participation and information IV. Ensure non-discrimination and equality V. The management program and action plan VI. Complaint mechanisms
	Undertake due diligence to ensure the Bank does not support activities that will contribute to or exacerbate human rights violations. This should include undertaking human rights impact assessments to identify the human rights impacts of its activities and avoid or mitigate adverse impacts. The Bank can also use such impact assessments to maximize positive human rights impacts of its activities, consistent with its poverty alleviation mandate.
	<p>While an overall human rights policy is a necessity for the Bank to guide their integration of human rights considerations across all Bank activities, policies and procedures, Human Rights Due Diligence (HRDD) is one important way that the Bank can begin to operationalize its responsibility to respect human rights within the safeguard policies, and related structures.</p> <p>There are many forms of project and policy risk assessment systems and approaches. An effective human rights impact assessment (HRIA) – a key component of HRDD – is grounded in the substantive features of international human rights standards.</p> <p>According to the Guiding Principle 17, HRDD is required “in order to identify, prevent, mitigate and account” for “adverse human rights impacts”. Furthermore, the “process should include: assessing actual and potential human rights impacts, integrating and acting upon the findings, tracking responses, and communicating how impacts are addressed”.</p>
	The review process is a key opportunity to introduce human rights due diligence at the Bank because the policies already require analysis of environmental and social impacts. The Bank should assess and address the human rights risks of all of its activities to ensure that it does not fund, directly or indirectly, rights violations. Such an assessment can be merged with existing social impact assessment processes and should identify the full range of human rights risks.
	The Bank should adopt human rights due diligence. Due diligence should involve carrying out a Human Rights Impact Assessment (HRIA) to examine risks of human rights violations.
	Human rights due diligence should be required on the part of both the Bank and its borrowers in order to identify all potential

	impacts on human rights, especially for the most vulnerable categories such as persons with disabilities. This approach should be used in every Bank-financed project or program to ensure that any adverse impacts are addressed. This type of inclusive rights-based policy framework should apply to all types of Bank-supported activities and not limited to projects relating to social protection.
Monitoring and implementation	Ensure ongoing, effective monitoring of human rights impacts, in consultation with affected people Improvements to the content of the risk management framework will only be effective if supported by robust monitoring and implementation systems. The World Bank should establish a clear, effective and transparent system for monitoring projects and policy impacts with specific reference to risks to human rights identified in impact assessment processes. The Bank should undertake regular reviews of the project/policies, which should include consideration of the impact and implications of changes in project context or operation, as well as issues of causality and cumulative or aggregated impacts, in order to be able to foresee new risks that may emerge. Monitoring processes should be established for all projects including for projects that are already underway when the Bank becomes involved (such as when the Bank is only providing funding for one phase of a project or a particular section of it).
	During project design, review and screening stage, be sensitive to the cultural integrity of Indigenous Peoples, recognizing their rights not only in terms of legal mechanisms, but their vested, inherent and customary rights.
	Redress and remedy for human rights violations should be clear; monitoring is important in this respect.
Engagement and dialogue	The World Bank could act as a convener of an ongoing human rights dialogue with client governments. Domestic civil society could be included in this dialogue. The World Bank could use the safeguard policies and other tools to initiate this dialogue, for instance, recommendations from the Inspection Panel, to ensure that human rights are part of the country strategy and the operational risk assessment framework and part of discussions about policy loans.
	The Bank should consider a project-based approach that aims to produce positive impacts to incentivize broad replication and systemic reform. As such, it should maintain high-level political dialogue with governments about women's rights through political and human rights assessments.
	Bridge the gaps in the interactions between independent groups (Human Rights, Women, Workers, Youth, etc.).
	There are so many dynamics associated with social dialogue and protecting the people's rights. It needs to be made holistic and to take into account all perspectives, including issues of governance and politics, which should be fully dovetailed.
Recommendations: LABOR and OCCUPATIONAL HEALTH AND SAFETY	
Need to be considered	Since World Bank policies affect workers worldwide, there should be a comprehensive labor standard safeguard as part of a clear integrated approach, based on the ILO core labor standards. Regarding the issue of coherence, demands on the public and private sector should be equal, and standards equally high. The Safeguards should comply with OECD guidelines, and the UN guiding principles on business and human rights which include ILO standards. These are minimum standards and the World Bank should not go below them. It is hard to understand that IFC imposes higher standards on the private sector than the Bank does on the public sector. Projects should comply with International Labor Organization fundamental labor standards. The IFCs Performance Standard Number 2, in general, is a good model when it comes to labor. It calls for respecting those ILO fundamental conventions.

	Core labour standards benchmark four well-defined human rights at work and it would be strange to exclude them from a broader safeguard policy on human rights or to situate them as a mere labour protection component. At the same time, realizing these human rights often requires a labour protection component. For example, equality of opportunity and treatment for men and women at work cannot be fully realized without a system of maternity protection enabling women to effectively reconcile work and reproductive health.
	Labor standards should also apply to procurement guidelines, and would help secure value for money.
	The bank needs to put in place: i) a complaint and grievance settlement mechanism; ii) disclosure and transparency in its lending operations; iii) principles of its support for labour safeguards; and iv) positive incentives.
	Create a stand-alone Safeguard Policy on Health, and labor issues, similar to the IFC Performance Standard 2 (on labor and working conditions).
	Strong support for the establishment of labor safeguards for World Bank projects. IFC PS 2 was seen as a good starting point, which would have to be extended and adjusted to fit the special requirements and circumstances of the kinds of projects supported by the World Bank.
	The World Bank should articulate standards for labor and health and occupational safety, with the borrower being required to uphold, assess, implement, monitor, and enforce these standards.
	The Bank's safeguard policies should be more comprehensive and include other issues such as labor policies and the right to food. Review and update of World Bank safeguards should include the issue of water, which is an extremely important issue for Latin America and the Caribbean, as well as health and safety issues and natural disasters. The World Bank should make a balance between the market and prioritizes state because when the market does not take into account the risk management issues
	The statement made in the approach document that "emerging issues will be considered" is very vague. What is the Bank proposing? On these issues, it is important to take existing international regulations into account (e.g., the conventions of the International Labor Organization and human rights treaties and declarations), and adapt to them. It was suggested to include the topic of labor and working conditions, which is covered by the IFC Performance Standards.
	The labor issue needs to be taken into account as a specific emerging topic that ranges from the right to employment, through labor safety and employment contracts, to the freedom of labor unions. Institutional capacity on labor rights tends to be very limited, at least in Peru. Moreover, there is concern that the labor issue only includes topics of workplace health and safety, whereas other topics relating to labor rights (wages, working conditions) should also be included. There are international conventions covering many other labor issues, and they should be taken into account. This is a problematic issue, particularly in construction projects. How this update could improve workers' conditions needs to be considered.
	Supply chain activities are seldom considered. This is where impact can be maximized, so that worker safety is not ignored. Stringent measures should be taken if safety compliance is not done. Non-performing contractors should be terminated and should not be pre-qualified for subsequent projects. Safeguards are hardly respected in the supply chain. ILO standards should be integrated. Also, fair trade practices should be built into the safeguard policies.
	There is no attempt to address practices in the private sector such as construction, environmental management and employing

	old people at low wage. The private sector has a bigger impact on emerging areas like labor and working conditions and social protection.
	Safeguard policies in the field of occupational/labor safety and health should also take into consideration the issue of integrating disabled people into the labor market and the workplace. Such policies should promote best practices with respect to the professional integration of such social categories.
	There are some important gaps in the safeguards policies, including the absence of Labor Standards, gaps in human rights (safeguards do not comply with international human rights law), addressing the global commons, particularly oceans (they are still just country based). Other gaps are: excluding some vulnerable groups from the overall scope of safeguards; ignoring the significant role people with disabilities could play in the development process; no requirement to address unique needs of children, resulting in projects with detrimental impacts on them; inadequate protection of natural habitats; and no recognition of the right to Free, Prior and Informed Consent for Indigenous Peoples.
	Projects should comply with International Labor Organization fundamental labor standards. The IFCs Performance Standard Number 2, in general, is a good model when it comes to labor. It calls for respecting those ILO fundamental conventions. The one concerning factor of the IFC model is that it promotes self-reporting and it relies on the clients to monitor and control their activities. The requirements should be enforceable and actionable by relevant accountability mechanisms including the Inspection Panel.
	For occupational health and safety there should be some standards that take into consideration both the direct and the indirect impact of projects.
	Need for the Bank policy to complement policies of other agencies such as the International Labor Organization. One example is the changing context in Burma/Myanmar. The ILO is doing a lot of work there, and there is need for the Bank to make sure that the safeguards complement that work.
	The topic of occupational health and safety should be integrated into agricultural projects, and steps should be taken to ensure that protective measures reach small-scale producers.
	Issues of transparency and anti-corruption should not be considered only in ex-ante evaluations during project preparation, but also during the project implementation stage, for which the Bank should incorporate anti-corruption mechanisms. Occupational health and safety, as well as child labor should be issues borne in mind during project monitoring.
	Safeguard Policies should include the issue of health and safety in projects and a complete health assessment in the policies of backups and not just limited to pesticides
	The Bank should adopt international best practices, such as: ADB's disclosure of Social and Environmental Monitoring Reports and disclosure of draft EIA reports at least 120 days before Board consideration in Category A projects; IFC's and ADB's establishment of grievance redress mechanisms; and IFC's free, prior, and informed consent of Indigenous Peoples, labor standards and review of primary supply chains.
	Agreements with governments should ensure that there is a minimum level of labor rights (health insurance, life insurance, fair wages, number of working hours, etc.).
	Occupational health and safety procedures could be linked to projects funded by the Bank. One could also consider the

	possibility for separate projects where the Bank would finance occupation health and safety, including capacity building.
	Labor and Occupational Health and Safety are major issues that need to be resolved because of their major reputational risk – JICA is currently dealing with these issues though standardized language in their procurement process
	The "safeguard" question: "doing no harm" or "doing good". ... In sum, it appears critical that the Bank give due consideration to strengthening governments, employers' organizations and trade unions to ensure that the safeguards are implemented and owned by the state; and to strengthening the capacity of labour Inspectors to monitor and report on Bank activities in line with national laws and the safeguards.
	However, a labor safeguard policy could be the start of national dialogue, especially with countries where bad practices have been observed.
	Standards regarding occupational health and safety can be used to develop country capacity and strengthen country institutions with lasting impact.
Integrated policy approach	Labor is strikingly absent from the approach paper. "Fundamental rights at work" should be integrated into the eventual human rights component of the safeguard policy.
	One, the focus on ensuring labour safeguards should not be limited to a project or programme for its support. It should be broadened to the building and strengthening of the framework of overall labour-safeguards. An integral part of the bank's lending operations should be reforms in labour laws, improvement of the labour-protection mechanism, better access to labour welfare and a more efficient machinery for labour administration.
Stand-alone policy approach	The International Trade Union Confederation (ITUC) is pleased that the Safeguards review and update process is putting labor standards and occupational safety on the table; the ITUC would like to see a stand-alone Safeguard Policy on these issues, similar to the IFC Performance Standard 2 (on labor and working conditions).
	A core labor standard would be the definitive commitment to develop a labor standard that is in compliance with the four core labor standards as defined by the ILO Adoption of additional requirements on basic working conditions found in IFC PS2 such as the provision of information to workers on conditions of employment, retrenchment procedures, grievance mechanisms, migrant worker protections, occupational health and safety standards and supply chain standards.
	OSH is a labour protection component that deserves to be the subject of separate safeguard policy. However, so is the right to social security and it is not clear at this point what the World Bank's policy would be towards ensuring that contractors bidding for projects financed by investment loans would have to provide insurance cover for essential health care, employment injuries or diseases, or old age (pension benefits).
	Other grounds too, however, may occasionally present development challenges warranting a safeguard. Age discrimination may have a significant impact in countries confronted with high youth unemployment or a rapidly ageing society. Racial (including ethnic) discrimination should be specifically significant in countries that are ethnically diverse or are torn by religious sectarianism. One possible method of addressing the interconnection between various labour standards is to pursue a single safeguard policy on labour divided into chapters: core labour standards; occupational safety and health; reasonable (or decent) conditions of work (including wages, working time, maternity protection, night work, employment contracts, termination of

	employment ...); social protection and employment promotion for vulnerable or disadvantaged groups (including gender, disability, migrant workers, young workers, older workers, ethnic groups ...).
Stand-alone policy approach Apply international treaties and agreements	The World Bank should develop a labor safeguard requiring compliance with all four of the core labor standards as defined by the ILO (which is a condition of ILO membership). The core labor standards include elimination of forced and compulsory labor (Conventions 29 and 105), abolition of child labor (Conventions 138 and 182), elimination of discrimination in respect of employment and occupation (Conventions 100 and 111), and freedom of association and collective bargaining (Conventions 87 and 98). The labor safeguard should also include properly adapted requirements found in IFC's PS2 for other basic working conditions, namely the provision of information to workers on conditions of employment, retrenchment procedures, grievance mechanisms, migrant worker protections, occupational health and safety standards and supply chain standards.
Stand-alone policy approach (prohibit child labor)	A new labor safeguard should be added, and the labor safeguard should clearly prohibit child labor and require respect for fundamental labor rights, as defined by the ILO, by all companies involved in the project, as well as their supply chains and related services.
Apply international treaties and agreements	The labor issue needs to be taken into account as a specific emerging topic that ranges from the right to employment, through labor safety and employment contracts, to the freedom of labor unions. Institutional capacity on labor rights tends to be very limited, at least in Peru. Moreover, there is concern that the labor issue only includes topics of workplace health and safety, whereas other topics relating to labor rights (wages, working conditions) should also be included. There are international conventions covering many other labor issues, and they should be taken into account. This is a problematic issue, particularly in construction projects. How this update could improve workers' conditions needs to be considered.
	Existing international core labor standards should be included in the review.
	Implement a policy ensuring adherence to international labor standards (ILO) by borrowers and include it in the investment conditionalities.
	The safeguard policies should state that there is compliance with International Labour Organization (ILO) labor standards, e.g., collective bargaining, formation of labor unions, and prohibition of child labor and forced labor.
	Since World Bank policies affect workers worldwide, there should be a comprehensive labor standard safeguard as part of a clear integrated approach, based on the ILO core labor standards. Regarding the issue of coherence, demands on the public and private sector should be equal, and standards equally high. The Safeguards should comply with OECD guidelines, and the UN guiding principles on business and human rights which include ILO standards. These are minimum standards and the World Bank should not go below them. It is hard to understand that IFC imposes higher standards on the private sector than the Bank does on the public sector.
	<p>The Bank should respect the international conventions, standards and charters concerning the Occupational Health and Safety of workers. Several countries, among them the Arab Republic of Egypt, have ratified a number of international labor standards issued by the International Labor Organization (ILO), for example:</p> <ul style="list-style-type: none"> ☐ Convention No. 98 of 1949 concerning the right to organize and collective bargaining. ☐ International Convention No. 87 of 1948 on freedom of association and protection of the right to organize. ☐ The International Covenant on Economic Social and Cultural Rights issued by the UN General Assembly in December 1966

	<p>We ask that the World Bank’s safeguard policies stipulate the following:</p> <ol style="list-style-type: none"> 1) The right of workers to organize according to international conventions. 2) Firm application of the international standards on occupational health and safety. 3) A guarantee of a minimum fair wage that suffices an average family of four. The minimum wage should be sufficient to guarantee a decent life for the worker and his/her family through his/her ability to face his/her needs in terms of food, clothes, housing, transportation and health expenditures. This minimum should automatically change on an annual basis according to the same percentage of the officially declared inflation rate. 4) Working hours should be in accordance with international standards (from 6 to 8 hours daily) 5) Full health care should be guaranteed. 6) There should be a commitment to the provision of social insurance for all workers. 7) There should be a commitment to transfer knowledge and technology to local populations. For example, projects should include the transfer of skills and experiences to Egyptian workers rather than limiting job provisions for Egyptians to specific kinds of jobs.
	<p>The revision of the World Bank’s safeguard policies should include safeguards on labor standards. These safeguards should require compliance with internationally recognized core labor standards and properly adapted requirements such as those found in IFC’s Performance Standards for other basic working conditions (i.e., the provision of information to workers on conditions of employment, retrenchment procedures, grievance mechanisms, occupational health and safety standards, and supply chain standards).</p>
	<p>In 2010, the World Bank and the regional development banks jointly incorporated International Labor Standards (ILS) clauses into their harmonized procurement of works documents, applicable to lending for major construction projects. However, the World Bank has taken no measures to ensure implementation of these clauses, nor has it implemented its commitment to apply the ILS to small construction projects.</p>
	<p>Additionally, the World Bank should take a stronger stance on issues related to labor violations, such as the use of child labor and forced labor, by incorporating into its safeguard policies the core labor standards as defined by the ILO. Bank safeguards should prohibit the use of forced labor or the worst forms of child labor in all Bank projects, as well as in activities that may benefit either directly, or indirectly, from Bank funds. Safeguard policies should work towards the elimination of all forms of child labor, taking into account the distinction between forced child labor and other forms of child labor as well as the reality that punitive measures which push children out of remunerative employment without providing for their families’ support may leave children vulnerable to trafficking or more dangerous forms of exploitation.</p>
	<p>Two, beneficiary countries demonstrate respect for the fundamental rights of working women and women. This implies existence of a legislative framework that provides for the right to organize, form unions and a functioning bilateralism at the enterprise level. The ILO’s Core Labor Standards 87 and 98, which deals with the right to organize and bargain and is collectively ratified by a large number of member-countries, should be used as the guiding framework. The bank should ensure that “exclusion” clauses with regard to the right to organize are minimal.</p>
	<p>A World Bank framework for labor safeguards should address issues that involve violations of national law and/or of the International Labor Organization (ILO) conventions, such as freedom of association, dismissal based on joining unions, late</p>

	payment, lack of pension contributions, forced labor, child labor, unsafe working environments, etc. The World Bank should seek advice and support on these issues from the ILO.
	Human rights and labor etc. are not environmental issues. The updated policies need to take into account both local legal systems and local conditions.
Prohibit child labor	A new labor safeguard should be added, and the labor safeguard should clearly prohibit child labor and require respect for fundamental labor rights, as defined by the ILO, by all companies involved in the project, as well as their supply chains and related services. It is time for the Bank's knowledge that "quality investment in an early age generates returns to society" to be integrated into all of its operations.
Compliance framework	A framework for labor risk management and compliance guidance needs to be put into place. The borrower needs to be held responsible for compliance with labor standards, even though the borrower is not necessarily the employer. A framework or guidance for the management of contractors and implementers of the loan should be established.
	In relation to emerging topics, it is important to stress that there are international conventions and national laws covering labor issues, but what is lacking is compliance with the legislation. This is particularly important in construction projects.
Retrenchment guidance	The World Bank should develop strategies to reduce negative impacts on workers. A safeguard related to retrenchment – perhaps supported by a guidebook - would help to establish principles such as consultation and nondiscrimination in retrenchment exercises. The World Bank needs to establish a policy framework in which such guidance can be applied to public sector lending.
Address supply chain	The role of labor safeguards in procurement and contracts would need to be clarified. Specific labor requirements are needed at the stage of procurement. Bank procurement staff should become more involved with contract management, the development of local industries capable of meeting basic labor standards, and capacity building. The borrower should be responsible for contractors across the entire chain of contracting. Labor standards need to be addressed at a very early stage of procurement, especially in large infrastructure projects.
Reinforcement/ Provisions for non-compliance	The World Bank needs to provide strong guidance to governments to enable them to uphold labor standards throughout procurement (evaluation of tenders with regard to labor issues) and the project implementation process. Labor requirements should be part of the Standard Bidding Documents and should be considered a legal obligation in the contract. The World Bank needs to be able to impose penalties on parties that violate labor safeguards. The question of labor safeguards and their relationship to labor requirements in procurement needs to be figured out in tandem.
Recommendations: Land, Tenure and Natural Resources	
Need to be considered	The World Bank should incorporate safeguards policies the issue of natural resource and environmental management.
	The inclusion of land tenure and management of natural resources was welcomed but concern was expressed over land

	tenure/involuntary settlement issues being caused by World Bank funded projects. Concern was also expressed over the lack of recognition of customary land tenure and that there are “gaps” in current safeguards re land tenure. A specific safeguard on land tenure should be adopted.
	The review is an ideal opportunity for the Bank to address land grabbing and involuntary resettlement. As well as the need to reinforce existing safeguards to do no harm, addressing insecure land tenure, especially of poor and marginalized communities, may require a new safeguard on land tenure, housing and natural resources. Solutions to insecure tenure need to go beyond individual property rights to recognize the diversity of different communities’ tenure systems.
	Requirement to respect Indigenous People's rights to land territories, resources, full ownership and control, consistent with the UN Declaration on the Rights of Indigenous Peoples. There is need for a formal recognition of customary land tenure rights.
	Building national and local implementation capacity for natural resources and land-based investments would be key.
	During the review, look at improving monitoring, evaluation, and baseline determinations, and tools for this area. Consider participatory mapping for natural habitats. Look at options for renewable energies, adaptation and climate resilience.
	Prohibit involuntary resettlement for land tenure.
	The World Bank President talked about the need for land tenure security in his opening remarks at the Land and Poverty Conference. The voluntary guidelines (for responsible governance of land tenure) should be a benchmark or minimum standard for Bank-funded projects.
	The Bank should rethink its approach to land given the current land rights crisis. The Bank’s safeguards should play a role in shifting the Bank’s approach toward a broader strategy on land.
	The safeguard review should consider the issue of land use restrictions. A clear definition of the term “land,” should be provided, along with clarification on how restrictions on land use and regulatory issues are considered in cases where land is not actually taken.
	Inclusive Development International is working on case studies on involuntary resettlement (including in Cambodia) that should be taken into account. Inclusive Development International and Oxfam International will submit a specific proposal for a Safeguard Policy on land tenure, as well as a detailed submission with policy recommendations, together with International Accountability Project, Bank Information Center and Housing and Land Rights Network.
	Land needs special consideration; there is a need for a new Safeguard on land tenure and land. Security of tenure is the biggest challenge. The Bank should have clear directives regarding expropriations and eminent domain to ensure they are demonstrably in the public interest and not detrimental to sustainable livelihoods. The Bank should also recognize other forms of tenure, such as communal, user rights, etc. All impacted communities, including the marginalized, should be protected.
	On the emerging area of land tenure, this is a key issue in South Africa for environment, and also for other sectors. Most land in South Africa is privately owned. In other countries the state owns land, and it can lease it to the private sector. South Africa’s land reform/restitution undertaken in the 1990s has not resolved all challenges. There have been instances where claims for restitution of land were won by local communities and the land was inside existing parks/protected areas. One way National Park Services tries to deal with this is by offering to manage land on behalf of the communities (through a nature conservation trust) with benefits to locals, and asking them to refrain from exploitation. Another way is to buy the land for conservation – but

	resources are limited, plus negotiations take time and once those are concluded, originally budgeted funds may already be allocated elsewhere.
	Urban densification where land can be expropriated for public purpose and given to city housing can sometimes be an effective tool provided that there are policies on how land can be transferred from public to private.
	The Bank is encouraged to consider the following emerging issues: land tenure, management of chemical substances, water stress and scarcity.
	Lack of clarity and detail in the operational safeguard policies of the World Bank, in relation to the consideration of social issues, some of which such disability, gender, and tenure are included in the emerging issues presented in the framework document
	Land “tenure” is a vague concept that the Bank should flesh out with legally accurate content in relation to indigenous peoples. As distinct peoples within countries, indigenous peoples are entitled to a full collective right of ownership to the lands and resources under their possession, not a diminished or subordinate form of ownership. This is neither an individual right to lands nor a mere collective use or usufruct right. This is why UN law asserted indigenous peoples’ permanent sovereignty over their natural resources as a means to reflect their legal and governmental authority to control and manage their lands and resources. Both the UN Declaration and regional human rights courts’ case-law have affirmed the collective nature of this right.
	One of the most essential steps for both preventing harm and doing good by indigenous peoples is to ensure that Bank-financed activities respect and secure indigenous peoples’ collective ownership rights to their land and resources as a key strategy to ensure indigenous peoples’ economic development, good governance, and development sustainability.
	The Bank should develop and adopt new safeguard standards on land acquisition and prioritize additional provisions on land investments based around improved security of tenure, transparency, and community consultations.
	New World Bank Safeguards on Tenure of Land, Housing and Natural Resources. World Bank operations should actively seek to strengthen tenure security for those who experience vulnerability and work to improve access to productive land and other resources for land-poor and landless groups. In doing so, the Bank should recognize that “secure tenure is not a one-size-fits-all concept.”
	Objectives. The objectives of the proposed safeguard measures should be to ensure that Bank operations that impact on tenure: do not weaken, impede or restrict tenure rights to land, housing and natural resources in a manner that violates human rights, including the right to adequate housing, the right to food, the right to non-discrimination and the right to equal protection of the law; avoid and minimize the risk of conflict over land and natural resources, and make every effort to address any conflicts that arise from Bank operations; strengthen, secure and prioritize the tenure rights of vulnerable and marginalized people so that they enjoy, at minimum, legal protection against forced eviction and illegitimate use by others of their land and natural resources; and promote more equitable use of, access to and control over land, housing and natural resources, with particular attention to the rights of women.
	The new safeguard policy framework should contain provisions to ensure that tenure rights are not weakened or infringed as a result of Bank-financed operations (particularly land and agricultural sector development programmes). There is an urgent need for the Bank to adopt a human rights approach to its land sector development operations.
	Land and natural resource investments are directly linked to local communities’ right to food and right to adequate housing.

	<p>Improved transparency is essential to protect these rights of affected communities, particularly such that they have the capacity to access, understand and use all the relevant project information. Improved disclosure is specifically needed during the pre-project planning and post-implementation stages, and should be part of the amendments to the Environmental Assessment safeguard. Resources are often allocated during the contract negotiation stage – the point at which local community rights are typically disregarded and when the most damaging impacts can occur. Full details of the project including the purchase price, the buyers, the boundary of operations, as well as the potential risks and impacts must be made publically available and easily accessible to all affected communities. Similarly post-project, downstream monitoring of the impacts and mutually-agreed benefit-sharing arrangements need to be clearly stipulated and be coupled with the provision of a functioning grievance mechanism and accountability framework. Such changes to improve transparency should also be part of the Bank’s advisory role in informing country systems, so that domestic regulatory frameworks reflect such disclosure provisions to the fullest extent possible.</p>
	<p>The proposed integrated safeguard framework must promote responsible governance of forest, land, and natural resource tenure. The safeguards should therefore recognize that there is a continuum of tenure types and provide protections against threats and infringements for all types, prioritizing the protection of vulnerable groups with less secure tenure arrangements. For all interventions affecting access, control and use of land and other natural resources, projects should proceed only on the basis of an accurate understanding of whose existing tenure rights may be affected by the project. Where not all legitimate tenure rights holders are formally recognized, a participatory and transparent identification and recording of all existing forms of tenure within the project’s area of influence should be conducted prior to the project.</p>
	<p>The safeguards must ensure transparency in decision-making, meaningful consultation and active participation of affected persons in the project design and planning processes as well as in project implementation. In the context of increasing commercial pressure on land, such safeguards for land and natural resource tenure are of particular importance in the cases where Bank projects involve large-scale land acquisitions (directly and through financial intermediaries). Such safeguards must also cover all projects supporting broader land, agriculture or investment reforms which are likely to result in large-scale land acquisitions, investments or transfers.</p>
	<p>Until the entire institutional frame has been set up, it would not be recommendable to “rely on borrower countries’ legal frameworks and institutions to address issues covered by the safeguard policies in project design and implementation” (as proposed by the Bank) as it would not be possible or recommendable for the Bank to determine them to be equivalent in their coverage and acceptable in their implementation. Hence, a parallel approach could be followed: a) to support borrowers strengthening their land and investment related policies, laws, administrative institutions and procedures and b) to rely on the revised safeguards until the new framework based on responsible governance has been set up.</p>
Land Use and Ownership	<p>The Bank should 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.</p>

Land management	<p>Over the past years, there have been a growing number of complaints related to land use and land management projects. Panel cases have revealed policy lacunae with respect to impacts from land management projects. How to address consequences for people's livelihoods from changes in rights to land and land based resources is not clear within the Bank's safeguards framework. Bank Management issued a Guidance Note on Land Use Planning noting that the Involuntary Resettlement Policy does not apply to such projects.</p> <p>In its investigation reports on projects dealing with land registration and land use management, the Panel has noted:</p> <ul style="list-style-type: none"> - Inadequate assessment of social, political, institutional and legal risks during project preparation. - Impact of such projects may warrant application of the policies on Involuntary Resettlement and Indigenous Peoples. - Projects involving indigenous peoples should carefully assess the social and legal importance of collective titles for certain groups. - Longer term impacts of land titling for tenure security of poor and marginal communities need careful consideration. - The importance of paying greater attention to changing social, political, institutional and legal circumstances in land related projects.
Land Tenure and Natural Resources	The Bank should ensure that all policies promote and protect the special relationship that indigenous peoples have with their lands and resources, including through protection of relevant rights. The World Bank should develop a simple set of standards/principles in regard to land-based investments similar to those established by the German Ministry of Economic Cooperation and Development (BMZ).
	Define public interest narrowly. "Public interest" should be defined narrowly to steer the Bank away from potential support for "land grabs," but with care not to contradict national law.
	Land Tenure and Natural Resources safeguard policies must consider the role that biodiversity plays in delivering sustainable livelihoods and must support the accessibility and delivery of ecosystem services.
	Safeguards should address underlying issues of land tenure and ensure that Bank interventions do not compromise local communities' customary rights or use of land.
Holistic/integrated approach	Adopt a broader view of land-related impacts and outcomes. Explore the possible expansion of treatment of land issues geographically (landscape approach; better recognition of land-water linkages) and temporally (more emphasis on induced and long-term impacts).
Stand-alone policy approach	The adoption of new safeguards on tenure that protect and promote the rights to land, housing and natural resources of the most vulnerable will have direct and immediate positive impacts for Bank-financed projects and the potential for catalytic effects on the governance of tenure globally.
	Incorporate new safeguards to protect and enhance security of land and natural resource tenure, recognizing the fundamental role of customary tenure in improving forest protection.
	The inclusion of land tenure and management of natural resources was welcomed but concern was expressed over land tenure/involuntary settlement issues being caused by World Bank funded projects. Concern was also expressed over the lack of recognition of customary land tenure and that there are "gaps" in current safeguards re land tenure. A specific safeguard on land tenure should be adopted.

	Communities often have weak land tenure – therefore working on addressing this is important: some saw merit in developing a stand-alone safeguard on land tenure, and suggested that the FAO/Bank guidelines could be adopted/shaped into a safeguard.
Apply international treaties and agreements	The World Bank should make the application of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests a prerequisite for any investment project the Bank gets involved in. ... The Bank should also require from any non-state actor involved in the project to take responsibility to respect human rights and legitimate tenure rights (VG-Tenure General Principles).
	<p>Land tenure and natural resources should be a central theme of the Bank's safeguards. The Bank should look to international law including the UNDRIP, ILO 169 and decisions of the Inter American Court of Human Rights, the Inter American Commission on Human Rights, and the African Commission on Human and Peoples' Rights, as well as approaches set forth in instruments such as the FAO Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security (FAO Tenure Guidelines) for guidance on addressing land tenure and natural resources.</p> <p>The Bank's safeguards should support borrowers in recognizing and protecting the legitimate tenure rights of Indigenous peoples and other communities with customary tenure systems.</p> <p>[I]n updating its safeguards, the Bank should recognize and take into account the value of areas held under tenure systems of Indigenous peoples and local communities. The safeguards should be updated with the full and effective participation of Indigenous peoples and local communities, and the Bank should respect their customary approaches to dealing with land tenure. Additionally, Indigenous Peoples' and Community Conserved Territories and Areas (ICCAs) should be recognized, respected and actively protected by the Bank in its safeguards as an effective method of conserving and sustainably using natural resources, as the CBD and IUCN already do.</p>
	In light of the Bank's support of the Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security, endorsed by the Committee on World Food Security in May 2012, I suggest that the Bank incorporate relevant aspects of the Guidelines into the new safeguard policy framework.
Consider operationalization and applicability	<p>The proposed safeguard measures should be applied to any Bank-financed operation that is likely to impact upon the tenure of land, housing and natural resources, including rights and arrangements that derive from customary, formal, informal, and extra-legal systems. Some of proposed safeguards set out below could be integrated into an updated Policy on Involuntary Resettlement, while others may be integrated into other updated existing policies. Alternatively, some or all of the proposed measures may be better suited to a new standalone policy.</p> <p>Proposed safeguard measures should include an assessment and political economy analysis of:</p> <ul style="list-style-type: none"> -the borrower country's legal, policy and institutional framework governing tenure (including customary and traditional law), gaps and weaknesses, if any, between them and these safeguard measures and international obligations, and the mechanisms required to bridge such gaps to give effect to the objectives of these safeguard measures. -the ability of potentially affected persons to access the court system or alternative dispute resolution mechanisms and use them effectively to defend their tenure rights and interests, including against the State. -whether tenure systems and laws discriminate against women or other marginalized groups, and measures needed to reverse this discrimination, which should be explored in cooperation with the community, and particularly the marginalized group. -any other contextual information needed to inform the project design in order to meet the objectives of these safeguard

	<p>measures.</p> <p>Within this context, the assessment should then examine:</p> <ul style="list-style-type: none"> -how the proposed operation could impact on existing tenure systems, rights and arrangements, and particularly less secure forms of tenure not fully recognized or protected by law or in practice. -how the proposed operation could impact on people's access to, use of and control over land, housing and natural resources. -the potential for the instigation or exacerbation of conflict over land or natural resources due to the proposed operation. -the implications of these impacts for the enjoyment of human rights, including the rights to housing, food, non-discrimination and equal protection of the law. -alternative project designs and options, including a "no project option", to ensure that potential adverse impacts on tenure of housing, land and natural resources are avoided and minimized to the fullest extent possible. The exploration of alternative project designs should also seek to strengthen the tenure security of vulnerable and marginalized groups and promote more equitable use of, access to and control over land, housing and natural resources. -the decision to proceed with the project and the design of the proposed project should reflect the findings of these assessments in order to meet the objectives of these safeguard measures. The findings of the assessments and analysis should be made public. -meaningful consultation and active participation of affected persons about the proposed operation; its design and its implementation strategy; potential adverse impacts on tenure; and proposed safeguards to protect against adverse impacts, strengthen tenure rights and improve equitable access to land, housing and natural resources. -participatory and transparent identification and recording of all existing forms of tenure, including tenancy and subsidiary use and access rights, within the project's area of influence. This measure is necessary where, during the tenure assessment and screening, groups are identified whose existing tenure rights or arrangements could potentially be weakened, infringed or restricted by the proposed operation. -an action plan for the conferral of legal security for the range of existing forms of tenure and, in cases in which it is necessary to meet the objectives of these safeguard measures, the legal recognition of the tenure rights of each affected person, household or community. The conferral of tenure security should only be denied in lawful and non-arbitrary circumstances after the consideration of all feasible alternatives and solely for the purpose of promoting the general welfare consistent with international human rights obligations. <p>The means used to confer legal tenure security should, to the fullest extent possible, be based on tenure systems that are familiar to affected persons and locally legitimate as well as legally valid.</p>
	<p>The establishment, where one does not already exist, of a local rule-bound, impartial, fair and competent land dispute resolution mechanism, which is socially and culturally appropriate, for any project that involves the adjudication and determination of tenure rights or may otherwise cause or exacerbate conflict over land and natural resources.</p> <p>Measures to ensure that tenure rights of poor and vulnerable groups are not weakened or jeopardized due to the introduction or enforcement of administrative or legal rules that are overly complex, onerous or expensive to fulfill, including with respect to land registration and transfer fees, and land use and development restrictions, standards or requirements;</p> <p>Other measures required to ensure that agricultural and other development operations, including those that support the</p>

	development of laws and policies, do not infringe the tenure rights and arrangements of people and communities with land and natural resource-based livelihoods, including smallholder food producers, fisher folk, herders and forest dwellers.
Exclusion list	The Bank should develop an exclusion list which includes any support for large agricultural land grabs, including those of government-owned or public lands used by peasants for family farm production; customary lands of indigenous peoples; and those lands subject to a government's agrarian reform laws.
In relation to Gender	Measures to promote and secure women's tenure rights regardless of their marital, civil or social status with the aim of achieving non-discrimination and gender equality in land tenure systems.
In relation to OP 4.12	The application of the Involuntary Resettlement Policy to protect persons whose tenure rights or arrangements are denied, revoked or restricted as a result of the Bank-assisted project and are thus subject to displacement.
Tenure assessment	Land and resource – particularly water – tenure is such an important issue when it comes to investments as the vast majority of investments affect indigenous people's and local communities' access to land, water and other natural resources linked to the land that it should be addressed in an own assessment. Such a "tenure assessment" should identify all potentially affected holders of legitimate tenure rights and their rights, analyze their dependency on the land and other natural resources, analyze direct and indirect impacts of the planned investment on all legitimate tenure rights holders and their rights and propose alternative scenarios that do not lead to the transaction of tenure rights.
	<p>Strengthen assessment of land tenure, taking into account the full range of rights and uses that are important to affected people, including secondary rights and rights not formally recognized by law that may co-exist in a given area. Assessments should include looking not only at land tenure but tenure over other resources, such as water, common property resources and biodiversity; they also should look at a wider range of potential land-related consequences of a particular operation. Government administrative capacities should be part of the assessment.</p> <p>Build continuing assessment into project design. This implies a stronger commitment to independent monitoring and evaluation during implementation.</p> <p>Assessment needs to help empower and respond to "voice".</p> <p>Assess the structures and governance rules on Indigenous Peoples and their lands.</p> <p>A better approach to assessing socio-cultural impacts is needed. So far, the following areas have been identified as important: (i) monetization of traditional economies and its spillover effects, (ii) impact on traditional organizations and governance, (iii) territorial integrity and sustainability, (iv) cultural land use, (v) acculturation, (vi) reproduction, (vii) change in behavioral patterns, and (viii) language.</p>
Clarify terms	The World Bank should clarify its definition of a "natural resource" and should distinguish between natural resources that can and cannot be replenished once used.
Emerging Areas: Other Areas to Consider	
List of prohibited investments	List of prohibited investments should be developed to include prohibited zones, for example, glacier sites, national parks, protected areas, cultural heritage sites, seismic areas, etc.
Children's Rights	Current World Bank safeguard policies on involuntary resettlement and indigenous people recognize the heightened protection needs of children by listing them among "vulnerable groups" and those with "special needs." The revised safeguards should go

	<p>further and require Bank funded activities take all necessary measures to protect the rights of children. It is therefore crucial that safeguard policies provide protection for the rights of children, in line with the UN Convention on the Rights of the Child. Such policies should include, among other measures, prohibiting the use of child labor in World Bank funded activities, ensuring that projects do not interrupt children's access to appropriate educational services (including inclusive education for children with disabilities), and preventing gender based exploitation of minors.</p>
	<p>The World Bank should consider in the development of a framework for managing and reducing risks of child abuse and exploitation by persons engaged in delivering World Bank activities.</p>
	<p>The new safeguards developed as part of the current review must, at a minimum, require environmental and social impact assessments that specifically contain an assessment of the likely impacts of a project on children, including the potential for violence and exploitation that can arise around a project's implementation. Assessments of the risks to children should also consider the potential for projects to have disparate impacts based upon gender.</p> <p>Language requiring attention to the unique needs of children should be added to all relevant safeguard policies, including the involuntary resettlement policy, with particular attention paid to uniquely vulnerable children, including girls and children with disabilities.</p>
	<p>A set of clear commitments to child safeguarding that prevents harm to children from investment decisions</p> <p>Environmental and social impact assessments that specifically contain an assessment of the likely impacts of a project on children, including the potential for violence and exploitation that can arise around a project's implementation</p> <p>A requirement for all funding partners to also have clear commitments to child safeguarding and that these are effectively monitored</p> <p>Processes that include the participation of children and communities in environmental and social impact assessment</p> <p>Mechanisms for monitoring and evaluating safeguarding measures to ensure both upward and downward accountability in relation to child safeguarding</p>
	<p>The new safeguards must, at a minimum, require environmental and social impact assessments that specifically contain an assessment of the likely impacts of a project on children, including the potential for violence and exploitation that can arise around a project's implementation. Assessments of the risks to children should also consider the potential for projects to have disparate impacts based upon gender.</p>
	<p>Suggestions pertaining to Child Protection</p> <ol style="list-style-type: none"> 1) The World Bank should not implement projects where there is child labor involved, whether directly or indirectly. This commitment should be written within the safeguard policies. 2) There is a gap in the current safeguard policies in that there is no policy for the protection of the best interests of the child. 3) In order for the Bank or the borrowing country to measure expected impacts on children, they should know the base line condition of children and work with civil society to obtain the different data sets, for example: knowing the number of child laborers, the real number of homeless children, children with disabilities, children who are not in school, children who regularly attend school, sick children, healthy children, child victims of abuse and children who have been harmed as a result of Bank projects. 4) We recommend that the Bank follows the provisions of the Convention on the Rights of the Child and that it uses the

	<p>Convention's language in its safeguard policies. We want the Bank to apply the minimum level of the best interests of the child which is included in the Convention on the Rights of the Child, and which prevents child labor for children below the age of fifteen. Vocational training should start from the age of thirteen. We also want the Bank to apply ILO convention no. 138 and the Convention on Combating the Worst Forms of Child Labor. Thus the Bank should abide by those conventions and consider them a basic reference for protecting children from child labor.</p> <p>5) We would like the Bank to apply the system of uniform codes for buildings and public transportation in order to secure the rights of children with disabilities, improve the level of their access to services, especially in the fields of health access and education. This should be the case even if it is not one of the project's primary objectives. That means that for each project the Bank should take into consideration the potential opportunities for improving the lives of children.</p>
	<p>The current World Bank safeguard policies for investment lending contain no explicit protections for the rights of children and prevention of further institutionlisation. Since the Bank's "environmental and social ("safeguard") policies are designed to avoid, mitigate, or minimize adverse environmental and social impacts of projects supported by the Bank"¹ it is crucial that policies address the deinstitutionalisation of children and contribute to improving their lives. Lumos would welcome the inclusion of the following actions:</p> <p>In countries with a high reliance on institutional care, supporting governments to develop national action plans for reforming health, education and social services for children and families, with a specific focus on transition from institutional to community based care.</p> <p>In countries with a lack of community and family based services for children, supporting the development of services that do not include reliance on institutions or "orphanage" care.</p> <p>Supporting countries to amend legislation and regulation to ensure full compliance with UNCRC, UNCRPD and international best practices and standards.</p> <p>Supporting cost benefit analyses and other research which strengthens the case for reform.</p> <p>Work with ministries of finance to assist them in redirecting resources from expensive but poor quality institutional care to more efficient, higher quality family and community based services.</p> <p>Development of services which support the families and provision of foster care</p> <p>Funding the specialized personnel to manage the process of transforming and developing community based services</p> <p>Training policy makers, managers, architects, planners and builders on person-centered planning for community based services (so that those who are responsible for designing and planning new buildings know how to base their designs around the needs and wishes of the service users).</p> <p>Adaptation of schools to accommodate inclusive education practices (for example this might include adding disabled access and designing specific spaces for one to one teaching or specialized activities for autistic children)</p>

¹ The World Bank website:

<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/EXTPOLICIES/EXTOPMANUAL/0,,contentMDK:20403230~menuPK:64701637~pagePK:64709096~piPK:64709108~theSitePK:502184,00.html>

	<p>Adaptation of hospitals and community health clinics to ensure access to the most vulnerable children and their families (for example, adding disabled access, facilities for parents to room in with children, ensuring all maternity hospitals have rooming in and do not separate children from their mothers at birth; child-friendly spaces in hospitals/clinics; spaces for training and counselling parents of vulnerable children etc.)</p> <p>It is important to note that the construction of new institutional settings and reconstruction or renovation of the existing institutions represents a breach of the UNCRC and UNCRPD.</p> <p>The Bank must ensure that the support it provides to its borrowers is used in a way that further enhances children's fundamental rights and welfare. Deinstitutionalization is a key tool for achieving this.</p>
	<p>Any revision of the Environmental and Social Impact Assessment safeguard policy must require the Environmental and Social Impact Assessment to specifically assess the unique impacts of the project on children. Such an assessment should examine the potential for the project to negatively impact the lives and development of children both directly and indirectly, and should look at areas of risk including, but not limited to, the health and safety of children, the possibility that a child's access to education will be interrupted, and the potential for increased economic or sexual exploitation of children, including child labor, prostitution and the sale and trafficking of children.</p> <p>As the Committee on the Rights of the Child noted earlier this year in its General Comment on State obligations regarding the impact of the business sector on children's rights, International organizations should have standards and procedures to assess the risk of harm to children in conjunction with new projects and to take measures to mitigate risks of such harm. These organizations should put in place procedures and mechanisms to identify, address and remedy violations of children's rights in accordance with existing international standards including when they are committed by or result from activities of businesses linked to or funded by them.</p>
	<p>In order to accurately identify and provide for the needs of children affected by Bank projects, the safeguards must require environmental and social impact assessments that specifically contain an assessment of the likely impacts of a project on children. Consultations with NGOs focused on child rights would be a good way of understanding the problems likely to face children as a result of a given project.</p>
Children's rights AND Disability	<p>The World Bank policy should be reviewed to include guidelines specifically tailored to address the needs of children and to prevent the negative effects of involuntary resettlement on children. These mandatory guidelines must also include the specific needs of girls and children with disabilities. This should be coupled with practical enforcement mechanisms to ensure that these guidelines are followed in the implementation of any World Bank funded projects. Issues related to the parents' ability to earn sufficient income to provide for the nutrition, health care, and education needs of their children in a new area should be considered more deeply. ... The accessibility of necessary social services such as schools and health clinics as well as markets and transportation networks should be better addressed as well.</p>
Migrants	<p>Migration. Project implementation impact on migration should be thoroughly analyzed. Though planned to generate benefits, investments can sometimes lead to destructive effects if they result in a surplus population in project areas after project completion (see comment on employment above), in particular because since 2011, migrants are not covered by health insurance in Russia. The issue could be dealt with in the form of video consultations with relevant international experts.</p>
	<p>OP 4.12: While underscoring its high significance, this policy should be supplemented with additional provisions concerning</p>

	assistance to migrants in transit areas, which is poorly addressed in the current version of the safeguards.
	The Bank should consider frameworks that support the protection of migrant workers' rights, the prevention of diseases, in addition to climate change and disaster risk mitigation and adaptation.
Treatment of hazardous waste	The Bank should help to ensure that contractors use appropriate disposal methods for hazardous waste.
	Demand for support to the Bank for the victims of toxic waste
Water stress and scarcity	The emerging issues should include the topic of water use and management as part of the discussion on natural resources.
	Issues such as gender, water, or disability, among others, could either be addressed as a strategy or a standalone safeguard, or be incorporated into an existing safeguard. The Bank needs to decide which approach would be more effective for Bank-financed projects in the long run.
	The Bank is encouraged to consider the following emerging issues: land tenure, management of chemical substances, water stress and scarcity.
	There are questions about how the topic of human rights will be included in an operational way. It would be better to speak of human development. There is also concern at the absence of a specific topic dealing with the rights of children.
	What is the WB's child protection policy and is it properly implemented?
	The Bank needs to adopt safeguard requirements that are specifically designed to protect the rights of children affected by Bank projects, including children-specific requirements related to environmental and social assessment, resettlement, and labor.
	Policy Gaps. There are some important gaps in the safeguards policies, including the absence of Labor Standards, gaps in human rights (safeguards do not comply with international human rights law), addressing the global commons, particularly oceans (they are still just country based). Other gaps are: excluding some vulnerable groups from the overall scope of safeguards; ignoring the significant role people with disabilities could play in the development process; no requirement to address unique needs of children, resulting in projects with detrimental impacts on them; inadequate protection of natural habitats; and no recognition of the right to Free, Prior and Informed Consent for Indigenous Peoples.
	Safeguards should mandate no child labor in Bank projects with accompanying measures to remedy situations where child labor is found; resettlement plans should be required to include measures providing for access to education for resettled children; environmental and social impact assessments should assess direct and indirect impacts of projects on children.
	The "emerging issues" presented in the Approach Paper do not, for example, include the themes of minority groups or child labor. While it is understood that there are many issues that fall under the heading of Human Rights but which are not explicitly mentioned, minority groups and child labor do deserve specific treatment.
	Issues of transparency and anti-corruption should not be considered only in ex-ante evaluations during project preparation, but also during the project implementation stage, for which the Bank should incorporate anti-corruption mechanisms. Occupational health and safety, as well as child labor should be issues borne in mind during project monitoring.
	The social safeguards should include not only indigenous, but also other vulnerable populations. Often non-indigenous rural populations live side by side with indigenous populations and are in a position of equal or greater vulnerability of indigenous

	peoples themselves. In addition, other vulnerable populations that the World Bank should include in their policies are children, elderly and people with disabilities. There is a very clear understanding, for example, how climate change affects these populations especially vulnerable
	Children. Aspects involving children such as emergencies/disasters, child labor, and children in involuntary resettlement in Bank financed projects were pointed out as requiring better definition in the Bank's policy. There were specific questions about how the resettlement process in Bank projects would ensure that children of relocated households have access to education at new resettlement sites without facing interruption or disruption.
	child protection policy
	Children and how they are affected by projects and policies is rarely taken into consideration. One should note that children have unique vulnerabilities and there are many direct impacts from projects affecting them. Climate change and catastrophes affect children disproportionately. An assessment is required to identify different impact aspects.
	No diversion of water from agriculture and environmental flows to power generation
Management of chemical substances	The Bank is encouraged to consider the following emerging issues: land tenure, management of chemical substances, water stress and scarcity.
	A number of international agreements have emerged to address the challenge of sound chemicals management at the global level. Given the implications of Bank activities for the production, use, release and disposal of chemicals in the Global South, these agreements should inform the Bank's review of its safeguard policies. The broadest agreement at the global level is the Strategic Approach to International Chemicals Management ("SAICM"), which provides an overarching policy framework. The World Bank's safeguard policies should help support borrowers in the development of sound chemicals management. The World Bank should ensure the sound management of all chemicals produced, used and released throughout the lifecycle of all its projects, including products manufactured.
Other vulnerable groups	Vulnerable groups. Children and disabled people were found not to be adequately referenced or provided for. Recognition of the differing needs of different groups of vulnerable people is needed. A question was asked as to how the Bank will address downstream and upstream risks for vulnerable groups. It was suggested that implementing more robust impact assessment policies would be helpful and the EBRD's (European Bank for Reconstruction and Development) approach on forced labor was referenced as an example to follow.
	Take sufficient account of the accompanying measures related problems eviction of people settled in the forests
	Policy Gaps. There are some important gaps in the safeguards policies, including the absence of Labor Standards, gaps in human rights (safeguards do not comply with international human rights law), addressing the global commons, particularly oceans (they are still just country based). Other gaps are: excluding some vulnerable groups from the overall scope of safeguards; ignoring the significant role people with disabilities could play in the development process; no requirement to address unique needs of children, resulting in projects with detrimental impacts on them; inadequate protection of natural habitats; and no recognition of the right to Free, Prior and Informed Consent for Indigenous Peoples.
	It is important to take account of the differentiated impact of the Bank's policies according to the gender of the person affected,

	his or her membership in an indigenous or Afrodescendant community, and whether he/she has a disability.
	Need to protect all vulnerable people, including Indigenous Peoples – should a policy on vulnerable peoples be considered?
	Safeguards should take account of all vulnerable groups, not only Indigenous Peoples, and should include policies specifically designed for these groups (for example, small farmers, campesinos, etc.).
	Safeguards give consideration to indigenous groups more as subjects of law rather than as vulnerable groups. Similar treatment should be accorded to farmers/campesinos, since to consider them only in terms of their vulnerability would be to discount their cultural wealth, skills and knowledge, which are comparable to that of Indigenous Peoples. By broadly labeling diverse groups as vulnerable, there is a risk that they will not be perceived as separate and distinct groups.
	Safeguards should include the question of the regularization of land ownership, taking into consideration the surface area of the country. An evaluation should be made of cadastral records (geo-referencing) and land ownership, to identify situations where rural dwellers and Indigenous Peoples are in positions of vulnerability or inequity, in order that these issues may be addressed.
	The “emerging issues” presented in the Approach Paper do not, for example, include the themes of minority groups or child labor. While it is understood that there are many issues that fall under the heading of Human Rights but which are not explicitly mentioned, minority groups and child labor do deserve specific treatment.
	The social safeguards should include not only indigenous, but also other vulnerable populations. Often non-indigenous rural populations live side by side with indigenous populations and are in a position of equal or greater vulnerability of indigenous peoples themselves. In addition, other vulnerable populations that the World Bank should include in their policies are children, elderly and people with disabilities. There is a very clear understanding, for example, how climate change affects these populations especially vulnerable
	More clarity is needed on what extent the input of socially disadvantaged people has been ensured in environmental and social Safeguard Policies.
	The Bank should give financing opportunities to local farmers (including small town families) to generate earnings through a humane farming process. This strategy could help decrease unemployment, reduce poverty in fields, and ensure better use of resources.
	The objective of the safeguard policies is to protect people, their rights, and their environment. This review should prioritize the human face of safeguards. Vulnerable groups, such as, but not limited to, persons with disabilities, should be addressed strongly and actively, in all relevant safeguard policies.
Biodiversity	The Bank must prioritize the protection and conservation of biodiversity and the sustainable use of natural resources as part of any screening or due diligence procedures.
	The Bank should consider the twelve principles outlined in the ecosystem approach defined by the Convention on Biological Diversity. The conservation and protection of biodiversity are essential to alleviating poverty and securing sustainable development now and for future generations.
	Biodiversity issues should be adequately reflected in the review.
	Safeguards on natural resources should better address biodiversity issues.
	On the topics of biodiversity and new species, the issue of patents and intellectual property needs to be analyzed.

	The Bank should recommend actions for the preservation of nature and the protection of biodiversity
	When taking the IFC Performance standards as a model for the safeguards, it is essential for the Bank to rethink the way biodiversity is handled: there should be a clear specification of no involvement in biodiversity hotspots or otherwise defined no-go areas.
	There is a need for stipulating measures for minimizing the biodiversity losses and maintaining a balanced ecosystem.
	Cumulative and indirect impacts need to be assessed in relation to World Bank funded projects and programs. Incremental effects over a landscape or seascape could lead to impacts both on species populations, and habitats. The ecosystem approach as defined and endorsed by the Convention on Biological Diversity (CBD) provides good general principles, as do landscape approaches to conservation. Projects can also create barriers to movements, especially in migrating species, and break linkages across a landscape or region. The World Bank should seek to minimize habitat fragmentation and maintain linkages and corridors at a landscape scale.
Food security	Food security issues should be considered to support efforts to ensure access to food for all peoples.
	The issue of food security should be taken into consideration within the Bank's policies. Accordingly, the Bank's policies should ensure that no infrastructural projects are implemented on agricultural land, especially those close to water-ways (like rivers/canals). This is because given the often extreme scarcity of resources such as land and water in those areas, a project may have the unintended consequence of creating a situation wherein food security is threatened. Building projects on agricultural land leads to the loss of arable lands which then threatens food security. Thus, the said issue should be taken into consideration when studying the different alternatives for the location of future projects.
	The Bank's safeguard policies should be more comprehensive and include other issues such as labor policies and the right to food. Review and update of World Bank safeguards should include the issue of water, which is an extremely important issue for Latin America and the Caribbean, as well as health and safety issues and natural disasters. The World Bank should make a balance between the market and prioritizes state because when the market does not take into account the risk management issues
Mental health	The identification of disability as an emerging issue in this review is welcome, because it covers issues that are extremely important for development sustainability, such as mental health.
	There are two other issues the Bank may wish to address: (1) health sector – sterilization of women with disabilities; and (2) Electro-convulsive therapy that is being used for mentally disable/mentally ill. These are being done in hospitals that receive partial funding from the Bank.
	Neither is the question of mental health explicitly mentioned as an emerging issue. While National Law No. 26657 on Mental Health does exist in Argentina, it has still not yet been regulated and is therefore inadequately implemented. The question of mental health is one that must be addressed at the community level, to include such activities as vocational training workshops, the provision of secure job opportunities, day residences, etc. As things currently stand, mental asylums are the only options open to persons suffering from mental problems. The safeguards should provide for adequate attention at the community level to those affected by mental health problems.
	Stigma is a major problem as regards disabled people, especially in developing countries that do not have equal access to health,

	education, jobs, etc. Therefore policies should be adapted to be inclusive. It is essential that people with disabilities are consulted throughout the process. The Bank should – to be inclusive in its development – make sure to bring disability in, through mainstreaming Safeguards or in other ways. Human rights should inform the Safeguards approach. It is important to note that physical and mental disabilities are not the same. Bank Group staff also need to be trained.
Cultural heritage	Safeguards at present do not sufficiently ensure respect for intangible cultural property.
Waste	Resource exhaustion should be a new field that safeguard policies should be developed for, especially where the issue of waste is concerned.
Ecosystems	Inadequate Assessment and Valuing of Ecosystems. The International Bank for Reconstruction and Development (IBRD)/the International Development Association (IDA) safeguards do not adequately account for technological advancements to assess and value ecosystem goods and services.
	The Bank should consider the inclusion of eco-system valuations for protection, maintenance, and optimum utilization of environmental assets that produce economic benefits.
	Democracy is needed not only for human beings, but also for all living beings. It is important to create a democratic ecosystem. Safeguard policies should be reviewed with an approach of creating a democratic ecosystem.
Tax evasion	A new safeguard is needed to address issues relating to tax evasion.
Renewable energy	The World Bank should not finance coal-fired power plants, other coal-burning facilities, coal mining or coal transport infrastructure projects. For all World Bank energy projects, the health impacts from chronic exposure to air pollution should be explicitly quantified in terms of annual cases of mortality and morbidity caused. All projects involving fuel combustion should at the very least comply with best regulatory practice.
	For all World Bank energy projects, the feasibility of renewable energy and energy efficiency options should be assessed using a standardized best practice approach, including latest cost data. All energy lending should be accompanied by a commitment to policies to remove barriers to energy efficiency and renewable energy. The World Bank should develop an internal center of excellence for renewable energy and energy efficiency to ensure state-of-the art feasibility studies covering renewable energy and energy efficiency options are carried out for all projects that the Bank is involved in. The Bank should have standardized guidelines on valuing CO2 emissions and negative health impacts avoided through investment in clean energy sources. Energy access finance should focus on distributed renewable energy
	Clean energy issues are marginal in our country. However, renewable energy is the salvation of the country and needs to be taken more seriously; the safeguards should also apply to renewable energy projects.
Animal Rights	The Environmental Assessment safeguard policy (OP 4.01) needs to be strengthened to include considerations of animal welfare, as this issue is of increasing concern to consumers around the world. Moreover, animal welfare must be incorporated into sustainable development, because animals are an integral part of the global economy.
	The World Bank should make animal welfare a priority, especially in the context of disaster assistance. Not all governments have emergency plans, evacuation processes, professional staff, and specialized areas to handle livestock and companion animals after natural disasters. As a result, many people either refuse to evacuate their homes/farms to stay with their animals or lose their

	livestock.
	The World Bank should seriously consider animal welfare issues in agricultural practices (e.g., animal confinement and other forms of animal cruelty). Animal welfare should be added to the list of emerging issues of global importance, because of a growing international movement against the extreme confinement of farm animals on industrial farms, and because animal welfare is closely linked with human health/well-being and with environmental protection. The industrialization of farm animal production has led to widespread environmental damage, pushed smallholders (including women farmers) out of the market, reduced income opportunities in many rural areas, and created environmental and human health problems. The trend towards industrialization thus appears to jeopardize multiple UN Millennium Development Goals, including the empowerment of women and environmental sustainability.
	Stronger animal welfare standards are required to promote more sustainable, equitable, and humane development in the livestock sector. Farm animal welfare is an issue of growing global importance, and the treatment of animals has far-reaching impacts on the welfare of human communities and the natural environment. It is not possible to promote food security or achieve humane or sustainable development in the livestock sector without the full integration of animal welfare considerations.
	There is growing consumer demand for eggs and meat produced with higher standards for animal welfare. As a result, more industrialized countries and major global food corporations are beginning to adopt stricter animal welfare standards and phase out extreme confinement practices such as the confinement of egg laying hens in barren battery cages, breeding sows in gestation crates/sow stalls, and veal calves in crates. Producers around the world will be disadvantaged in the long run if the Bank does not help prepare them to meet the demands of the changing marketplace. The World Bank should also take into consideration the documented link between the way animals are treated and social violence.
	To assess animal welfare practices, the Bank should refer to the International Finance Corporation's Good Practice Note on Animal Welfare in Livestock Operations. The EU Welfare Quality Program is aimed at accommodating societal concerns and market demands to develop reliable on-farm monitoring systems, product information systems, and practical species-specific strategies to improve animal welfare. In addition, specific European Union Directives set minimum legal standards of welfare for various farm animals; individual EU member states can set higher standards for animals within their own territories. EU Regulations cover animal transport and slaughter and are identical in all member states. The RSPCA's Freedom Food initiative uses a labeling system to identify food produced without animal cruelty. WSPA/Humane Society International's Disaster Program focuses on animal rescue, maintenance, and health treatments. The World Bank could fund disaster relief and animal vaccination programs, especially in poor communities.
	Internationally recognized guidelines for the welfare of animals are being developed by the World Animal Health Organization (OIE). These could serve as a baseline for good husbandry practices in animal agriculture. However, the OIE standards should serve as a floor and not a ceiling for animal welfare safeguards, as citizens in many countries may push for a higher level of welfare in certain circumstances. The World Bank should consider financing projects with similarly high welfare standards in order to meet the expectations of consumers and ensure that producers can trade in international markets.
	Animal welfare must be considered. It is necessary to promote medical controls, housing and care practices, and improvements in industrial animal agriculture practices. Communities throughout the world suffer from strong nuisance odors, flies, poor water quality, and filth, which emanate from industrial farm animal production facilities. Such problems diminish local residents' quality

	of life. Industrial farm projects should thus require prior impact assessments on community health, including potential nuisance odors, insect infestations, and antibiotic resistance, in addition to standard evaluations of water quality impacts.
	The Bank should support the livestock sector by embracing production models that are environmentally sustainable, more humane, and that create a robust rural economy. The Bank can help producers stay competitive in the global marketplace for eggs and meat by financing projects with high animal welfare standards, including cage-free housing systems for egg laying hens and group housing systems for gestating sows.
	Because farming is an important part of the global economy and animals are useful for transportation, safety, companionship, and nourishment, it is important that the World Bank integrate “Animal Welfare” into its safeguard policies. Failure to incorporate animal welfare into these policies will create significant economic, social, and public health risks. More and more significant multinational food corporations and producers are shifting to cage and crate-free policies. Without the World Bank’s support, many companies will not be able to compete globally if they do not keep up with animal welfare trends that are taking place around the world.
	Policies aimed at increased farm animal production should target smallholders, pastoralists, and other food insecure households in rural areas, instead of supporting massive industrial farm animal production facilities that feed urban populations already suffering from public health crises like obesity epidemics. Thus, Bank investments in food production need to be reconciled with its public health goals.
Animal welfare, Food security	The Bank should only fund agricultural projects designed with animal welfare in mind that protect the livelihoods of small farmers, promote good health and nutrition, mitigate negative environmental impacts, strengthen economic growth, and eliminate poverty. The Bank should reject false dichotomies such as “animal welfare or food security” and “economic growth or environmental sustainability.” Adequate investment in the rural supply chain can result in improved food security outcomes in rural and urban areas around the world, while enhancing animal welfare and protecting the environment all at the same time.
Population pressure	Sustainable development is only achievable by slowing population growth. The Bank should incorporate drivers of lower fertility in its programs like universal access to family planning and women's employment. Policies to facilitate these drivers are also appropriate such as: affordable childcare; equal access to information; and social, economic, and political rights.
Population growth	The Bank should consider how reducing unplanned pregnancies and population growth creates employment opportunities for women, increases access to health and educational services, spurs investment opportunities, and alleviates pressure on limited resources such as land and water.
	The Bank should bear in mind that population growth is a driver of environmental degradation, resource depletion, and many negative social problems.
Local employment	Consideration of new areas. Employment of local population in Bank projects should be added to the list of issues.
Integrated landscape management approach	Safeguards should support an integrated landscape management approach, which addresses land and natural resource management from an ecosystem scale; manages land for multiple objectives such as food and fiber, biodiversity, ecosystem services, and human well-being; incorporates actors in different sectors; and engages rights-holders and stakeholders in participatory and multi-stakeholder decision-making. Such a landscape approach can be promoted by the forest and natural habitat safeguards by ensuring the safeguards apply to all sectors, respects livelihood uses, accounts for ecosystem service values

	and biodiversity values, and prioritize community participation and community-based forest management. For this purpose, the Bank should integrate the concept of Intact Forest Landscapes (IFL) into its landscape management approach, and the safeguard policy should ensure that its investments do not contribute to fragmentation and/or deforestation of IFLs.
Recommendations: International Good Practices and Concepts that Should be Considered	
	Environmental projects/programs should be aligned with the Astana Initiative, “Green Bridge” presented at the 6th Conference of the Asian-Pacific Region
	Consideration of Existing Studies. The Safeguards Review explicitly needs to address the findings and recommendations of some important reviews that have taken place such as the Extractive Industries Review, the World Commission on Dams, the learning review of the implementation of the Indigenous Peoples Policy, and the Justice for Forest Reports that came out this year. There are many lessons that have already been identified that need to be taken into account by this review. The policies should embrace existing tools/experiences from other agencies that work.
Corporate Social Responsibility	Reflect on the World Bank's capacity to raise the awareness of its partner enterprises with respect to the CSR (Corporate Social Responsibility) component.
	The use of corporate social responsibility (CSR) budgets/approaches in implementing the Bank’s social management plans such as the RAP should be explored.
Ecological footprint	To implement safeguard policies more effectively, new tools need to be considered, such as green industry, green economy, life-cycle analysis, ecological footprint, carbon footprint, etc.
	The Bank should consider the Ecological Footprinting approach of the Global Footprint Network. The Ecological Footprint is a data-driven metric that tells us how close we are to the goal of sustainable living. Footprint accounts work like bank statements, documenting whether we are living within our ecological budget or consuming nature’s resources faster than the planet can renew them.
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Green industry/economy	To implement safeguard policies more effectively, new tools need to be considered, such as green industry, green economy, life-cycle analysis, ecological footprint, carbon footprint, etc.
	Green energy seems innocent at first sight and the projects welcome but it may have a significant negative effect on the environment (e.g., micro-hydroelectric plants and other sources).
	Broaden environmental policies to include the concepts of sustainable development and “green business.”
Sustainable/clean production	The World Bank should maintain a benchmark of best regulatory practices and require all energy projects to comply with the international best practice.
Life-cycle analysis	To implement safeguard policies more effectively, new tools need to be considered, such as green industry, green economy, life-cycle analysis, ecological footprint, carbon footprint, etc.
Rio+20	Taking into account the recommendations of RIO +20 in the backup policy of the World Bank, including the green economy

	The review could benefit from the recommendations of the United Nations Conference on Sustainable Development (Rio+20) related to the green economy and embed these recommendations in the review of the safeguards policies.
	In accordance with Paragraph 135 of the Rio +20 Outcome Document, governments must commit to promote sustainable development policies that support inclusive housing and social services; a safe and healthy living environment for all, particularly, persons with disabilities.
Sustainable/clean production	Even if they are not included in the Bank's policies, sustainable production and clean production cover all these matters. It would be useful for the Bank to focus on sustainable production and clean production either through integration into the policies or separately.
Aichi Biodiversity	Examples The Aichi Biodiversity targets should be central to Bank operations. Achievement of these international targets, which are supported at the country level by National Biodiversity Action Strategies, will help support sustainable development, enhance climate change resilience, and help ensure future generations have access to biodiversity.
Inspection Panel input	The Inspection Panel should be officially consulted and invited to comment on the drafting of the integrated framework. It has vast experience in the implementation of existing safeguards, and its recommendations will be vital in ensuring that the new safeguards function properly.
Inspection Panel recommendations	Any recommendations that the Inspection Panel makes to the Safeguard Review should be integrated into a new framework. The Inspection Panel offers a good redress mechanism, and cases in the Democratic Republic of Congo, Cambodia, Papua New Guinea, and Chad have demonstrated the panel's effectiveness. Recommendations of the Inspection Panel have also enabled civil society to more effectively engage with the Bank and increase productivity through policy reforms.
Lessons from projects and Inspection Panel	Past projects provide examples of both successes and shortcomings in implementation of forests and natural habitats safeguards, with relevant Inspection Panel cases serving as instructive examples. In particular, the Inspection Panel's report on the Bank's interventions in the Democratic Republic of Congo noted the Bank's tendency to focus on the value of forests for timber production over other more sustainable uses; a neglect of project impacts on those living in the forest or dependent upon it; and improper assessment and categorization of risk. The Panel also noted serious concerns with the use of Development Policy Loans (DPLs) for highly sensitive sectors such as forests, due to weaknesses in the policy's assessment of social and environmental impacts.
ISO 14000	The ISO 14000 series' standards help promote more effective and efficient environmental management in organizations by providing useful tools for gathering, interpreting, and communicating environmentally relevant information.
Polluter Pays Principle	The Polluter Pays Principle requires that polluters bear the cost of measures to reduce pollution according to the extent of either the damage done to society or the exceeding of an acceptable level (standard) of pollution. For the World Bank, the standard used should be an internationally recognized level, preferably of an OECD country with a high level of environmental protection and should not rely solely on an individual country's definition.
Precautionary Principle	The Precautionary Principle is an essential safeguard and instrument for sustainable development. The Bank should bear in mind, however, that the issue of cost effectiveness used in the precautionary approach should not be used as an excuse for adopting measures which avoid or mitigate harm to the environment or people.

	Safeguards should employ the precautionary principle to protect ecosystem services and prohibit adverse impacts to priority ecosystem services. If there is suspected risk of harm or absence of scientific consensus, the precautionary principle places the burden of proof on the Bank to demonstrate that an action is not harmful.
Recommendations on Consultations and Process of the Review	
Ensure meaningful consultation process for review	Expand the consultative exercise by including communities affected by Bank funded projects.
	The public consultation should be a permanent process, and the consultation mechanism should not be restricted to the period of policy updates. A permanent mechanism is needed to allow for continuous dialogue on policy implementation. Good practices need to be taken into account in participatory processes.
	Appreciation of the open and inclusive Safeguard consultation process – in itself is a good example of how to develop and run programs.
	The consultation process of the review of safeguards should provide more information on the Bank's portfolio in the country. An independent expert group needs to be convened, including representatives from many disciplines, to advise on the process of this review and policy update.
	Ensure that the Bank's web page on the safeguard update and review process can be accessible to disabled people. The consultations should provide documents in formats that meet the needs of participants with visual and hearing impairments.
	<p>A separate and transparent consultation mechanism with indigenous peoples at the global, regional and national levels should be established for the review of the OP/BP 4.10. As the safeguards review is already underway, there should be a specific plan for facilitating the full and effective participation of indigenous peoples. This plan should be developed in consultation with indigenous peoples and disseminated widely to indigenous peoples networks.</p> <p>Dedicated in-country consultations must be held with representatives of indigenous nations. Because most Bank projects take place in rural or isolated areas, these consultations must be accessible by indigenous peoples on a wide-scale, not just those with access to capital cities.</p> <ol style="list-style-type: none"> 1. Advance notice of consultations is provided, at least six weeks, to enable appropriate preparation and consultation among interested attendees. 2. Translation and dissemination of relevant documents relating to the review/update process should be provided in languages understood by indigenous peoples. 3. All input provided by indigenous peoples and others be put in a matrix with attribution and with reference to items included in the draft IP Policy and to be made public the earliest possible 4. Specific consultations with indigenous peoples are essential at the national, regional and global levels during the public consultations of the first draft and the second draft including comprehensive discussion of the indigenous peoples policy in particular, and safeguard policies in general 5. Ensure the effective participation of indigenous peoples in the conduct of in-country consultations with key actors and stakeholders

	<p>6. Ensure the effective participation of indigenous experts in UN bodies and mechanisms in the review/update process</p> <p>7. Coordinate with indigenous peoples directly, including through the IP working group on the review process to be established by indigenous peoples to facilitate information dissemination and exchange, submissions and inputs, conduct of consultations at the regional and global levels</p> <p>8. Working groups on FPIC and land tenure be established to provide inputs and guidance in the drafting the IP Policy update, to widen the scope for comprehensive inputs on these key issues</p> <p>9. Provide for a mechanism for different stakeholders to exchange views on their recommendations to content of the safeguard policies especially on the IP Policy</p> <p>10. Hold a dialogue between indigenous leaders and the Executive Board of the WB relating to the IP Policy recommendations of indigenous peoples in particular and to other safeguards in general preferably after the first draft of the safeguard policies</p>
	Consultations for the new safeguard policies should be held in local languages as well. At the least, there should be translation so that the feedback from the non-English speaking population is also gathered.
	Agenda of the meeting. Preference expressed by some in the group for an agenda to have been circulated before the consultation, giving more structure to discussions and the opportunity to influence the focus of discussions in advance.
	Ensure that topics can be discussed with the right amount of time.
	Detail and Language. The documentation should provide sufficient detail to allow for informed debate. Further detailed drafts of the integrated framework would be needed for effective input, including a request for at least two rounds of consultation on detailed language.
	Ensure full access to the consultations of stakeholders
	Give enough notice for a consultation meeting. Three weeks' notice may be too short.
	Facilitate the participation of disabled persons in the consultation meetings.
	While Indigenous Peoples do have legitimate claims, the needs of non-indigenous rural populations must also be taken into account. Development projects very often reveal asymmetries and inverse discrimination against rural communities. The consultation process should be extended to include other stakeholders, apart from Indigenous Peoples.
	In the next phase, the Bank should provide a table that shows the current policy text, revised policy text and an explanation concerning why new provisions or revisions are being proposed. This would help all parties see what changes are being considered and reduce concerns over dilution by being very transparent.
	<p>Disclose relevant information in a timely manner, ensuring that the information is provided in an accessible form, including by translating such information into the national languages of Bank client countries and particularly of the country where the consultation is taking place.</p> <p>Publish and widely disseminate early notice of the time and place of consultations, ensuring that invitations are open.</p> <p>Open consultation agendas for public comment in advance of meetings.</p> <p>Hold targeted consultations with specific groups, including women and indigenous peoples.</p> <p>Allow participants to contribute anonymously in countries where they may face repercussions from criticizing their government or the World Bank.</p>

	<p>Host focused consultations on key thematic issues (e.g. on resettlement, land acquisition) and ensure that both experts and affected people are involved in these consultations.</p> <p>At the conclusion of consultation meetings, circulate draft minutes to participants and provide time for comment (suggestion: 30 days) to ensure their opinions have been accurately reflected. Publish final, agreed minutes on the Bank's accessible safeguards review website.</p> <p>Provide feedback to rights holders and external stakeholders on how their comments and inputs have been addressed in the Bank's draft safeguard update proposals (as part of the proposed second round of public consultations on revised policies).</p>
	<p>Ensure a transparent, effective, and inclusive consultation process, which is sensitive and responsive to communities impacted by World Bank loan operations, including groups in society that are often neglected in decision-making processes, such as women, indigenous peoples, ethnic and religious minorities, people with disabilities, and all other marginalized or vulnerable groups.</p>
	<p>Meeting notes from the consultations - In the spirit of inclusiveness of the process of review, the Bank, prior to the public release of meeting minutes, should circulate draft minutes to all participants of a consultative meeting, and allow days for comments and corrections. Comments received should be publicly released, included in the minutes and the preparation documents for the new safeguards. These comments should be considered in the drafting of the policy. The final meeting notes should published on WB safeguard review website.</p> <p>Self-selection process for consultations - Consultations with external stakeholders particularly Indigenous Peoples, CSOs, women's groups and affected communities must use a process of self-selection.</p> <p>The consultation agenda must be designed in a consultative and transparent manner, with time allowed to ensure public comment on the draft consultation agenda.</p> <p>Participant lists for all consultations, including the identification of any participants funded by the World Bank in any manner (present or past), must be made publicly available two weeks prior to consultations.</p> <p>Translation of review documents - Recommendations:</p> <p>The review process must be inclusive and provide access for the involvement of affected people. This involvement requires translations of review documents particularly in countries where the safeguard consultations will be held as well as major borrowing countries where English, Arabic, Chinese, Russian or Spanish is not the main language. Given that Indonesia is one of the major borrowers of the World Bank, all documents produced during the process of review must be translated into Bahasa Indonesia and provided to the Indonesian public.</p>
	<p>The consultation process should have a particular focus on reaching communities affected by Bank activities in the past and those likely to be most affected in the future. Meaningful and targeted consultations should be conducted at the global, regional, national and local levels, reaching all corners of the globe. Adequate funding should be set aside to provide for this. The Bank should ensure that sufficient information about the review is available and easily accessible for all, including those unfamiliar with Bank activities, well in advance of consultations. The Bank should ensure that all consultations are conducted in accessible, culturally appropriate ways that enable the most vulnerable and marginalized populations to actively participate and provide input in an informed manner.</p>
	<p>In the next phase of the consultation, there should be an opportunity for enhanced dialogue with civil society groups, indigenous peoples, and local communities in order to gain their respective expertise on effectively safeguarding natural habitats. Such</p>

	<p>dialogue could be fostered by creating a working group or holding a series of workshops with relevant stakeholders. This dialogue should be based on a concrete set of proposals from the Bank around which expert advice can be assembled (no longer a 'listening phase'). The manner of consultation must be broader, more transparent and more inclusive than in Phase I, and should explicitly address the recommendations received from affected peoples, communities and civil society at large in Phase I, including those set out in this submission.</p>
	<p>The experiences of communities who have been impacted by Bank projects are critical for a successful review of the safeguard policies. We understand that select affected communities will be surveyed, however, we recommend that engagement involve all indigenous communities affected by Bank projects, and that a mechanism be established to gather the experiences and recommendations of affected communities on an ongoing and systematic basis.</p> <p>Any update process of the policies must draw on the experiences of affected communities and assess outcomes in terms of poverty eradication, the prevention of social and cultural deprivation, environmental and nature degradation and pollution. Therefore, due attention should be given to their voices in all the stages of the update.</p>

Safeguard Policies Review
Consultations with Project-Affected Communities
Consultation Period – May - December 2013

SUMMARY FEEDBACK

Introduction

In 2012 the World Bank began a two-year process to review and update its eight environmental and social safeguard policies.

As part of its review process, the Bank committed to engage with as many stakeholders as possible to gain inputs. The **present report presents a summary of the community consultation process** that was commissioned to solicit the opinions of **project-affected communities related to a sample of Bank-funded projects in six countries around the world** (Bolivia, Colombia, Kenya, Tanzania, Philippines and India) with the following objectives:

- To solicit feedback from locally-affected communities on **communications processes** and the **key social and environmental issues and challenges** encountered with regard to selected Bank-funded projects; and
- To inform World Bank safeguards review and update processes in regard to the effectiveness of the safeguards in terms of intent and implementation.

The sample of projects was selected by the World Bank according to the following criteria:

- Balanced representation of range of countries and regions.
- Balanced representation of sectors, project type, instruments and impacts – positive and negative – on populations.

The selected sample of projects included sectors such as urban infrastructure, transport, transport and trade, agriculture, rural roads and water. As most communities are not aware of the Bank's policies, the consultation processes were conducted to document **affected communities' experiences and perceptions** about how they have been consulted and how Bank projects have had an impact on them. The goal of the project was **not** to evaluate overall project performance, or to assess the accomplishments of Project Co-ordination Units (PCUs) in regard to the Bank's Safeguard Policies, but rather to make a concerted effort to have the voices of a sample of project-affected people included in the review and updating processes.

Methodology

The consultations were designed to elicit **stakeholders' perceptions** about how they were informed and consulted, and what the outcomes of the projects were. A methodological approach was followed so that these consultations with affected people would provide insights into how the policies were applied in their local communities.

The assignment was carried out by a multi-lingual, senior-level consulting team, in association with local partners in the six countries.

A rapid assessment qualitative research methodology was applied, based on a triangulation approach to provide a good level of verification as to results. The techniques that were applied included the following:

- A literature review and stakeholder mapping/identification process;
- Semi-structured interviews with a large number of key informants;
- Focus groups (gender disaggregated where possible) in locally affected communities; and
- Case study interviews to present personal stories of many local stakeholders.

In total, the consulting team conducted personal discussions with **over 700 key informants and local stakeholders** throughout the sampled communities.

Key takeaways

Following are the key messages to be taken away from this perception survey:

- **All of the projects generated positive impacts** and contributed, in varying degrees, to the safeguards' broad goal of poverty reduction. However, in most cases positive impacts were sub-optimal and could have been significantly greater with the proper implementation of safeguard policies;
- **Safeguard Policies are generally not well understood by most Project Implementation Units (PIU) and virtually unknown to most project-affected communities**, thereby limiting their effectiveness or application;
- **Even if the Safeguard Policies and instruments were perfectly crafted, their frequent lack of implementation represents a major challenge for the Bank;**
- **Capacity at all operational levels is often very weak, representing a fundamental factor underlying the relative lack of implementation.** Project Implementation Units (PIUs) often lack capacity to adequately address the different areas they need to consider, such as design and implementation of consultation processes, contractor management, time scheduling of projects, grievance management, monitoring, etc. Bank staff are also often under-resourced to provide the training and engage the types of experts required to monitor and report on implementation;
- **The social element within the Safeguard Policies is largely lacking/unspecified and, to the extent it does exist, is often absent in practice.** The deficit of clarity and attention related to social factors, both in content and implementation, leave many gaps/weaknesses including; lack of stakeholder mapping; stakeholder engagement planning; social impact assessment; disclosure; consultation; participatory monitoring; grievance mechanisms and reporting;
- **Stakeholder mapping and engagement plans appear to be generally insufficient.** Mapping and engagement planning are essential, as they define who the project-affected communities are likely to be, the types of issues/opportunities that may arise, and how best to include them in the process, as well as identify other stakeholders such as those able to influence and contribute to projects. In the case of the six projects, various stakeholders' interests were often not recognized and led to sub-optimal results;

- **Gender-related considerations, if not integrated into project design, tend to generate a sub-optimal result.** Women are essential partners for a successful project – and often the most vulnerable – functioning as the principle caregivers and often acting as single heads of households;
- **The value/necessity of consultation with project-affected communities as a means of improving a project appears to be highly underestimated.** Consultation processes ranged from non-existent to very good. People everywhere expressed strong desires to be consulted, and expressed that they had, or could have had, useful inputs to improve projects. Those projects with good consultation processes clearly benefitted. Conversely, to the extent that project-affected communities' views are not sought or integrated into project design and implementation, sub-optimal results occurred;
- **Post-project impacts have not been considered during project design thereby lessening projects' positive outcome.** Implementation of a large road improvement project can have negative impacts after project completion (e.g., safety);
- **There were a number of resettlement-related issues:**
 - a. **Voluntary land donation** needs to be clarified. "Peer pressure" and other types of "encouragement" can bring into question the "voluntary" nature of some cases, especially for the most vulnerable;
 - b. **Economic resettlement** appears to be misunderstood, although there were relatively frequent examples that were not addressed;
 - c. **Compensation** can be a problem when Bank policies differ from national ones in terms of the valuing of property;
 - d. **Resettlement of community facilities** needs to be clarified in the safeguard policies;
 - e. **Delay in the implementation of the Resettlement Action Plan** caused complications with compensation and mitigation measures.
- **Labor and working conditions** were mentioned by several stakeholders as an issue that the World Bank should be concerned about in terms of project safeguards;
- **Incentive for success:** In projects with successful safeguards implementation, there were built-in incentives that appeared to contribute to project results. Such incentives include subsidies, community contribution to projects such as user-charges or manpower.

Samples of community perception

The summary below presents a synthesis of the feedback from project affected communities. While the summary cannot fully capture the richness of the discussions, it reflects the key points that people raised.

Consultation Processes: What Has Worked	
Adequate Dissemination	<p>Communities from three projects in three countries confirmed that adequate information was provided to them and that was valued.</p> <ul style="list-style-type: none"> In Colombia, they confirmed that they had received information about the project, and the plans and benefits to be expected for the city. Members of the community reported that they had been satisfied by the initial information dissemination process. Information about physical resettlement had also been properly disseminated. In Tanzania, affected communities were generally well informed about the project as a result of program design, which encompassed participatory inputs including consultations and use of local employment. In Kenya, Communication and consultations with the communities have been carried out through an established Resettlement Management Unit (ReMU) supported by two non-governmental organizations (NGOs). This approach has been perceived positively and is expected to be most effective once the ReMU starts to operate directly with the communities in the field.
Robust Consultation	<p>Communities highlighted that appropriate consultations took place and that this upstream involvement helped to identify and address issues early.</p> <ul style="list-style-type: none"> In Tanzania, project-affected peoples were well informed about the processes of the irrigation and drainage works project through local organizations. This is a good practice example of participatory processes based on development of stand-alone "Irrigators Associations" built directly into the project on the basis of existing Water Associations in village, a grass-roots community bodies comprised of interested and directly affected users. It was observed, however, that a risk exists with regard to the sustainability of the associations once the project is completed. In Kenya, the consultation and outreach activities were carried out mainly during the initial census process (census was conducted to document people along the right-of-way). The established Resettlement Management Unit (ReMU) is committed to consult the community, and to be supported by local leaders and professional NGOs. This approach is perceived positively. People were generally well informed through the NGO process. There is recognition that relocation to a new area/receipt of new housing would result in a higher quality of life. In Philippines, virtually all those interviewed reported that consultation was done well and that the local community was well informed about the project before, during and following implementation. The implementing agency is a mature company (PPP entity) whose stakeholder engagement policy is embedded as part of its official corporate vision, designed to: empower people; protect the environment; and enhance sustainable development. The implementing agency has divided each of its areas into five zones and each zone has a Senior Territory Manager, along with specialists in the engineering aspects and oversight of contractors as well as staff specialists in community engagement. The implementing agency works closely with local homeowners associations and block leaders to consult with all the stakeholders.
Robust Grievance Mechanism and Capacity to Implement	<ul style="list-style-type: none"> In the Philippines, the implementing agency provides on-going assistance and addresses grievances (such as broken pipes, etc.), as required. Local leaders have also played a strong role in the project, and people are very much engaged. Grievances are easily addressed through direct contact of local people with their leaders/associations and/or implementing agency.
Consultation Processes: What Did Not Work	
Inadequate	<p>Communities highlighted that information did not reach them and that communication about the project was sub-optimal.</p>

Dissemination	<ul style="list-style-type: none"> • In Bolivia, the project-affected people repeatedly reported on lack of on-going communications about the project and the application of stakeholder inputs. Poor dissemination of information and a lack of real consultation created misunderstandings, distrust and disruption to social cohesion, particularly among the poor. • In Colombia, information about environmental and nuisance factors, such as the re-routing of traffic, the level of dust and noise during construction, etc., was not effectively communicated to the population.
Weak Consultation	<p>Communities reported that the quality and the scope of consultations were insufficient.</p> <ul style="list-style-type: none"> • In Bolivia, the project suffered from lack of early and broad-based public consultation, as opposed to simple disclosure. People generally had few opportunities to express their concerns or see their inputs recognized as the project proceeded. Instead, they often had to interact with project executors, mostly contractors working on site to resolve issues. This lack of good participation and support created conflicts in some case. People reported that some type of “social support” mechanisms like mediation should have been included in the project to bring people together and solve contentious issues. Women reportedly did not feel comfortable, particularly at night going to meetings where men would dominate. Thus, they felt a particular lack of ability to contribute their views. In summary, many people expressed the view that: “It was a good project, but it could have been better [if we had had more input].” Communities reported that the implementing agency did not seem clear about safeguard requirements related to consultation. They had been given very limited training on safeguards at the beginning of the project. Lack of monitoring was noted as an issue by some stakeholders, who indicated that the WB should have had a process in place to ensure the safeguards were being adhered to. • In Colombia, community perceptions about the project indicated a fairly high level of dissatisfaction about the processes that were applied during project implementation. They were generally happy with the initial dissemination, however they lacked further formal opportunities to express their concerns or see their inputs recognized as the project proceeded. They mentioned that they did not feel there was any way to address and solve various issues as they emerged. Essentially, project affected peoples had no recourse under any of the safeguards in this case. As in Bolivia, people expressed that project could have been improved through better consultation. • In Kenya, though people were generally well-consulted, the consultations did not seek input on the design of the new housing units and for this reason, units do not reflect family size. This has generated some negative perceptions. • In India, while the program documentation envisaged a very profound consultation process, implementation was not always followed through in the detail envisaged in the plans. People tried to have their issues resolved by approaching authorities through local leaders but this allegedly gave poor results. Women are reportedly never included in any community decision-making processes and the meetings held as part of the mission were the first occasions in their lives for village women to be consulted on public issues. Communities generally receive information from local leaders, but for this project they reported that no targeted information was disseminated. Had the communities been consulted, the road routes would have fully reflected the needs of local businesses therefore; economic impacts would have been stronger.
Insufficient Grievance Mechanism	<p>Communities commented that grievance mechanisms were either weak or non-existent.</p> <ul style="list-style-type: none"> • In Bolivia, sound grievance mechanisms were lacking. The project had taken much longer than anticipated, such that with the turnover of PCU members and contractors, records of complaints were missing or lost. Lack of monitoring was noted

	<p>as an issue that disempowered people.</p> <ul style="list-style-type: none"> • In Colombia, grievance mechanisms were known but no trust was placed in them. While some references were made to the presence of grievance offices, most of the interviewees stated that they were largely ineffective. • In India, there was no grievance mechanism. As such, approaching the authorities through the village leader was the most frequent way for addressing suggestions and grievances to the authorities. This allegedly gave poor results. According to the local district leader “masses are gathering in front of my office beginning at 8 o’clock”.
Impacts on Communities: Positively Perceived Impacts	
Positive Impacts	<p>Communities noted several positive impacts from the projects in the following areas: environmental; economic; and social.</p> <p>Environmental:</p> <ul style="list-style-type: none"> • In Bolivia, overall impacts were seen as positive. The following positive impacts were noted: Road paving reduced dust and mud; water courses/drainage improved; and residential plumbing reduced sewage to water courses. <p>Economic:</p> <ul style="list-style-type: none"> • In Colombia, many people saw benefits that came with an improved mass transport system. • In Philippines, water price per month dropped. Some were able to start businesses with the availability of water, due to the financial and time savings from the water availability. <p>Socio-Economic:</p> <ul style="list-style-type: none"> • In India, socio-economic impacts were noted as very positive, as all-season roads provide access to markets, more opportunities for diversification of and production of high-value crops, new employment opportunities for migrant workers, and increased value of agricultural land and other assets. Improved access to education was seen as strongest benefit, especially by women, who also value the access to maternal health services. Social interactions among the community also improved. • In Bolivia, people expressed overall satisfaction with the projects and noted that most people were “winners” as a result. Clear improvements were made to road and pedestrian access, playgrounds, daycare centers, sanitation, and water. In addition, with improvements to transportation corridors, there were evident improvements in economic development activities, including stimulation of small businesses. • In Tanzania, socio-economic impacts were positive due to increases in farm productivity (there are some uneven distributions of benefits in some respects). • In Philippines, informants reported a generally better community spirit and “relaxed” population.
Improved Access to Basic Services	<p>Communities noted that some projects provided them with better access to basic services such as education and water.</p> <ul style="list-style-type: none"> • In India, improved access to education seen as strongest benefit, especially by women, who also value the access to maternal health services. • In Philippines, availability of potable water to each household 24/7 improved public health and hygiene, with marked decreases in intestinal illnesses, and skin conditions. Previously, people had to wait in long lines at communal pumps, often walking long distances and having to get up in the very early morning hours with their children to carry water jugs. People also cited educational benefits as young people no longer had to get up early to carry water and get to school late. They now have more hours to put to their education and training activities.
Good Monitoring of	<ul style="list-style-type: none"> • In the Philippines, participatory on-going project monitoring was seen by stakeholders as a key in the success of the

Project	project.
Impacts on Communities: Negatively Perceived Impacts	
Environmental and other Impacts	<p>Communities perceived several environmental and social impacts to be negative.</p> <ul style="list-style-type: none"> • In Colombia, large urban trees were seen by the local people as having patrimonial value but no planning or consultation was conducted to address this issue. Loss of patrimonial trees as habitats for local birds was also mentioned by stakeholders. • In India, poor quality of construction was perceived to be cause of drainage issues. Drainage issues prevented water to drain away properly and pooled on and along roads. • In Tanzania, communities observed impacts such as erosion and land degradation caused by flooded canals; construction practices issues; problems with regard to irrigation projects can occur for downstream users (i.e., water scarcity); lack of control of water quality raised as an issue by some; deforestation due to uncontrolled cutting of trees which damages the catchments of the water sources; and human waste going into irrigation water. These issues were well recognized by district and national environmental officers but not by farmers. Farmers are most aware of issues that affect them in day-to-day activities. • In Tanzania, pest management issues exist but are of less concern at present because currently cultivated crops do not require a lot of chemical treatment. These will probably gain more significance with the introduction of high value crops requiring more intensive treatment, following the improved access to irrigation. There is lack of training with regard to use of agrochemicals • In Bolivia, labour issues (e.g., poor working conditions, lack of local hires, and etc.) were stated as a cause for concern by some people. Poor construction practices and lack of quality supervision were also reported to be a problem, and on that people feel could have improved through a better local consultation.
Resettlement	<p>Communities noted that several negative impacts resulted from resettlement.</p> <p>Economic:</p> <ul style="list-style-type: none"> • In Bolivia, stakeholders did not identify involuntary resettlement however voluntary movement of building walls was required. This created conflicts when some people chose not to cooperate and led to erosion of social cohesion. Promises made to PAPs who voluntarily ceded property were not met in a number of cases by the PIU. Economic losses for business interruptions were not compensated. Contradictions between Bolivian laws and WB safeguards created “winners and losers” (i.e. those compensated under a Bank project versus those under other Bolivian projects). Bolivian law provides for cadastral, but not commercial, value losses • In Colombia, numerous people talked about the losses experienced by business and the loss of employment. Shops throughout the area suffered. Owners had to relocate their businesses, reduce personnel or, in some cases, even cease trading. Business owners felt they had rights, but did not know how they could proceed to claim these rights. No compensation for businesses losses. • In Kenya, concerns regarding economic losses have been anticipated to some extent in Resettlement Action Plan but they appear to have been generally underestimated. Insufficient attention was paid to assessment of community facilities other than residential units. The resettlement process was delayed, allowing a number of new PAPs to emerge and claim losses. Some potential “losers” were among the most vulnerable, such as orphans and those with large

	<p>households.</p> <p>Acquisition of Land:</p> <ul style="list-style-type: none"> In India, minor impacts to private land were observed from resettlement. No significant changes in road alignments or extensions of roadways were enacted, with only minor broadening of existing road tracks. No official information was available about who were affected in what way, or what individual losses may be. "Voluntary donations" of land were required but questions were raised about the voluntary nature of centre donations. <p>Compensation:</p> <ul style="list-style-type: none"> In Kenya, the size/form of the compensation is raising concerns related the small living space that is being allocated to all, which is insufficient for larger families and families taking care of orphans. While the resettlement rule was reported to be "one household gets one structure", there was no consideration for newly formed households that emerged after the census. A serious concern expressed by the community was also related to the alleged lack of compensation for public structures such as private schools and churches. While some mitigation measures were envisaged in the Resettlement Action Plan, the local community is not satisfied with (or/and not aware of) the suggested compensations. They are concerned with the limited access to the new schools, as well as with lack of access to churches and nurseries; <p>Social:</p> <ul style="list-style-type: none"> In Bolivia, social impacts were seen as negative in several respects, mainly because internal factions developed where some people refused physical resettlement (i.e., moving of walls to provide better road accesses, improve drainage courses, etc.) and others resented that the poorest people received benefits such as indoor plumbing. Many people noted that the lack of "social support" by the project implementers caused problems in the communities. Other social issues arose because the length of the transportation corridor being widened was long, and under construction for years, thereby creating a physical barrier that, to this day, has weakened the ties that once existed from one side of the street to the other. In Tanzania, inequality impacts were perceived to have resulted from tensions between the communities of completed and uncompleted irrigations schemes, and respectively tensions between downstream and upstream communities. <p>Delay in Resettlement Implementation:</p> <ul style="list-style-type: none"> In Kenya, serious delay in the implementation of the Resettlement Action Plan caused complications with compensation and mitigation measures. This has caused influx of new people claiming losses and loss of trust in the community with regard to resettlement process. External NGO-led approach was convenient but took away the option for development of local leadership development/association formation.
<p>Delay in Project Implementation</p>	<p>Communities in Tanzania and Colombia, noted delays in project implementation as a major issue.</p> <ul style="list-style-type: none"> In particular in Colombia, the delay in construction and operation of the project was by far the most important concern of the stakeholders interviewed. The consequences of the inordinate length of time in the execution of the structure of the system are considerable and have resulted in: a lack of confidence in the project team and in the implementing authority; losses for businesses and, taking into consideration the scope of the project, a perceived probability of an adverse influence on the level of private investment in the city; accidents and security problems; and development of an alternative transport system such as moto-taxis with an increased financial risk for the eventual operator of the bus routes.

World Bank Safeguard Policies Review and Update

Dialogue with Indigenous Peoples

October 2013 - March 2014

SUMMARY

1. Objectives

The dialogue with Indigenous Peoples is a dedicated global series of meetings for Indigenous Peoples which supports the process of World Bank's safeguard policies review and update. In this dialogue, the Bank aims to seek Indigenous Peoples' views and insights not only on how the Bank can improve the effectiveness and efficiency of the safeguard policies, but also on how the Bank can strategically address broader development issues of interest to Indigenous Peoples.

2. The meetings

The meetings were held from October 2013 to March 2014 at the locations listed below. These locations were selected by the World Bank, taking into consideration a balanced representation of range of countries and regions, presence of Indigenous Peoples and the Bank's operational relevance. Indigenous Peoples representatives were invited to the dialogue in close coordination with regional and national Indigenous Peoples communities. In total, approximately 240 representatives of Indigenous Peoples participated in the dialogue.

- National dialogue with **Russian Indigenous Peoples**, Moscow, Russia, October 3-4, 2013
- National dialogue with **Philippine Indigenous Peoples**, Manila, Philippines, November 5, 2013
- Regional dialogue with **Southeast Asian Indigenous Peoples**, Manila, Philippines, November 6-7, 2013
- National dialogue with **Chinese Ethnic Minorities**, Beijing, China, November 12-13, 2013
- Regional dialogue with **African Indigenous Peoples**, Cape Town, South Africa, December 4-6, 2013
- Regional dialogue with **Latin American Indigenous Peoples**, Guna Yala, Panama, January 30-31, 2014
- National dialogue with **Nepali Indigenous Peoples**, Kathmandu, Nepal, March 20-21, 2014

3. Key messages

The following is a synthesis of key comments, observations and recommendations made by Indigenous Peoples representatives during the dialogue.

1) Vision and Aspirations for Development

- a) The vision and aspirations expressed by Indigenous Peoples include:
 - The holistic concept of '**good living**' (*buen vivir*), '**culture of sharing**' and **spiritual values** need to be understood and incorporated in the development;
 - Self-determination, identity, dignity and human rights** of Indigenous Peoples must be respected;
 - **Ownership and customary rights to lands, territories and natural resources** must be recognized; and
 - **Indigenous traditional knowledge** should be promoted to their benefit.
- b) National Context and Relations with the Government:
 - The national context varies regionally. Some representatives mentioned the importance of **working with the governments** to allow indigenous communities access to World Bank resources.
 - Other representatives emphasized the need to **participate in state mechanism and policy making** to address their concerns.
 - A gap between national legislation and the country's international obligations** on Indigenous Peoples' rights, **the lack of enforcement of national laws, the weak capacity of relevant government agency** and other **governance issues** are common concerns.

2) The Bank's Role and Assistance

- a) **World Bank as facilitator:** The World Bank has facilitated dialogue between governments and Indigenous Peoples at the regional and national levels. Furthermore, the Bank should not be just an actor, but **act as a catalyst** so that governments take more responsibility for international obligations.
- b) **Participation in the Bank's programs and projects:** The Bank should promote more effective mechanisms for the participation of Indigenous Peoples in the Bank's national or regional programs that may affect them. Representatives also see the need for **a more meaningful role in the Bank's strategic planning process** with governments. **Engaging Indigenous Peoples in project preparation and all key stages** is vital to ensure project sustainability.
- c) **Technical and financial assistance:**
 - Capacity building** of Indigenous Peoples institutions and relevant government agencies should be promoted for better project implementation.
 - Consideration should be given to set up a **trust fund for Indigenous Peoples** in which funds are directly channeled to Indigenous Peoples.
 - The Bank should also enhance support **community rural development** and **livelihood opportunities** for Indigenous Peoples.
- d) **Carbon finance operations** should be responsive to the specific circumstances of Indigenous Peoples. **Forest Carbon Partnership Facility (FCPF)** should be more effectively implemented in collaboration with UN-REDD program.
- e) **Dialogue with the Bank:** The Bank should facilitate opportunities for Indigenous Peoples to voice their concerns directly to the **Board of Directors and Senior Management**. The Bank should **enhance the capacity of the country office** for better project implementation and communication with Indigenous Peoples. On a possible World Bank's **Indigenous Peoples advisory council**, the Bank should consult with Indigenous Peoples on the details, such as the selection process, roles and functions, financial resources and access to information.

3) Implementation of the Bank's Operational Policy on Indigenous Peoples (OP4.10)

- a) **A distinct policy for Indigenous Peoples** should be maintained. The policy is a valuable entry point for Indigenous Peoples to have their voice heard and helps enforce their rights and foster dialogues with the government. It also **serves as a model for national legislations**. However, it shows **weakness in project implementation**. **Lack of capacity** of the Bank's Country Office, the Borrower and Indigenous Peoples communities to implement the policy must be addressed. **Clarity of the policy** needs to be enhanced.
- b) The participants stressed the importance of **the legal recognition of their rights over the lands, territories and natural resources** they have traditionally occupied or used. **Collective land ownership** and **tenure security** must be promoted in the policy. Indigenous Peoples' **traditional knowledge** should be respected and promoted to their benefit. Funding the development of **protected areas** should avoid involuntary restrictions to Indigenous Peoples' access to resources.
- c) African participants gave overwhelming priority to the issue of **pastoralism** and requested that the Bank specifically recognize pastoralist groups as Indigenous Peoples in the policy.
- d) Lack of capacity to undertake **social assessment** should be addressed and participation of Indigenous Peoples in the assessment needs to be promoted. The Bank should ensure that **effective, inclusive and ongoing consultations** are conducted with affected Indigenous Peoples communities at all stages of project identification, design, implementation and evaluation in languages understandable to the Indigenous communities. **Access to Bank information** in general, and project information in particular, should be strengthened. There are no indicators to measure **broad community support** and difficult to document it.
- e) **Involve Indigenous Peoples communities in the monitoring and evaluation process**. The Bank should prepare a manual for this purpose and identify **monitoring indicators**. Responsive, accessible and transparent **grievance redress mechanism** must be systematically incorporated into Bank operations.
- f) Strengthen the concept of **benefit sharing** with Indigenous Peoples in the policy. The Bank must establish mechanisms to ensure **restitution or compensation** for Indigenous Peoples when they have been negatively affected by Bank-financed projects.
- g) Include **gender aspect** as a cross cutting agenda. **Indigenous youth** should be also included in the development process.

4) Specific Issues Recommended for Consideration in the Safeguard Policies Review

- a) Adopt **Free, Prior and Informed Consent (FPIC)**, replacing Free, Prior and Informed Consultation and Broad Community Support in the current OP4.10. **The mechanism and process of FPIC** should be established to help operationalize FPIC. **Best practices, indicators and guidelines** are necessary.
- b) Harmonize with the **UN Declaration on the Rights of Indigenous Peoples (UNDRIP)**. The Bank should raise awareness of UNDRIP from the management level down to lower level staff.
- c) Explicitly address **human rights** issues and ensure that they are reflected in the policy.
- d) Refrain from supporting projects that would lead to **forced eviction** of Indigenous Peoples.
- e) While maintaining a global Indigenous Peoples Policy, **flexible application of the policy** should be allowed at the country level, including the use of an alternative terminology.
- f) Address the needs of **other marginalized groups**, which include Dalits in Casteism.

4. Summary of Indigenous Peoples feedback

The matrix below presents a more detailed summary of the feedback from Indigenous Peoples representatives, categorized in key issues. Further details can be found in the individual summary of each dialogue on the World Bank website.

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4. Specific Issues Recommended for Consideration in the Safeguard Policies Review

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1. Vision and Aspirations for Development

1-1. Vision and Aspirations for Development

LATIN AMERICA

- **Integration of the concept of 'good living':** The participants emphasized that it is necessary to drive the tone and objectives of the Indigenous Peoples Policy (OP 4.10) away from a western concept of development (based on capital accumulation and prioritizing economic development), to the holistic concept of 'good living' (buen vivir). Such concept encompasses economic, political, cultural, and spiritual well-being, and is rooted in a harmonious and reciprocal relationship with the natural environment. It can be also summarized as 'plentiful living' (vida plena).

AFRICA

- As part of their vision for sustainable development in Africa, participants "expressed aspiration for all African countries to recognize Indigenous Peoples, adopt human rights approach, and give a human face to development." Indigenous Peoples wish to be self-determined, self-realized, and united in promoting development options that are aligned with their values and ways of life. The following characteristics were highlighted by participants as foundational to their vision for achieving sustainable development in Africa:
 - **Environmentally sustainable; mindful of next generations and collective rights:** Participants underscored Indigenous Peoples' deep and intrinsic connection to land and natural resources.
 - **Self-driven** – Participants deplored that most development projects are selected and designed without IP input. They called for more self-driven projects which would allow them to develop on their own terms and implement their vision of sustainable development.
 - **Culturally sensitive and inclusive:** Participants called for an approach to development that is more aware and sensitive to Indigenous Peoples' cultural distinctions. Governments should recognize that assimilation is a real problem leading to loss of Indigenous Peoples' identity and community. To be sustainable, development should not be at the cost of social cohesion but rather should aim for more collective involvement, particularly of elders, women, youth.
 - **Human rights approach:** Participants advocated for a rights-based approach to development. They raised concerns about poor governance practices which either lead to ad-hoc consultations of Indigenous Peoples without proper representation or invalidate the FPIC process (e.g., cases where consent may have been coerced).

SOUTHEAST ASIA (Indonesia)

- **Sovereignty:** in the sense of promoting Indigenous Peoples' self-determination as the way to attain overarching goals. In championing their goals, they have agreed to refuse any interventions from outsiders in their self-determination, especially in the decision making process.

- **Dignity:** Indigenous Peoples' commitment that their dignity, which is part of their cultural identity, should be strongly upheld together with all their fundamental human rights. This gives them pride in their cultural identity when interacting with other communities.
- **Prosperity:** self-determinations as a key to supporting multi-faceted prosperity, and to lessen dependence
- Indigenous Peoples' common "culture of sharing" should be applied to all resources rather than the "culture of individual ownership."
- Equity should be promoted, including affirmative action for most marginalized people (women, single parents, elderly, orphans, disabled, etc.).
- A collective obligation to use lands and natural resources for the equal benefit of different communities should be promoted, e.g., the practice of Indigenous Peoples in Moluccas, Iban, etc.
- Culture-based participatory land use mapping should be promoted. Also, culture-based spatial planning for economic, political, social and cultural development should be promoted.

SOUTHEAST ASIA (Vietnam)

- **Ownership of land and forests (land)** (allocating to Indigenous Peoples the land and forestry land which they inhabit).
- Special priority for social development policies such as education, health care, transportation, etc. and enhancement of social security policies.
- Respect for and promotion of traditional custom and practice, and cultural identity of Indigenous Peoples.

SOUTHEAST ASIA(Lao PDR)

- **Official recognition of Indigenous Peoples' rights.**
- **Full and effective participation in decision making on issues related to Indigenous Peoples.**
- **Respect for Indigenous Peoples' knowledge and their autonomy.**
- Transfer of knowledge to young Indigenous Peoples (capacity building, network of Indigenous Peoples).
- Indigenous Peoples in government staff positions at policy level (education plus National Assembly).
- Mainstreaming of Indigenous Peoples' vision and needs in government policy, for example village, district and provincial level on economic, political, social-cultural environment.
- Sharing of good practices of Indigenous Peoples and widely scaling up to other communities.
- Work with government, donors (World Bank, Asian Development Bank, etc.), CSOs, and private sector.
- Access to information in their own language in order to help Indigenous Peoples get involved in the development process.

SOUTHEAST ASIA (Cambodia)

- **Human rights of Indigenous Peoples** (Customary Land Titles (CLTs), culture, identity) should be respected.
- **Perspective of Indigenous Peoples on land and forest (spiritual forest) should be understood and respected.**
- Support Indigenous Peoples land registration (CLTs).
- Community-based forest management more extensively implemented.
- Customary practice of Indigenous Peoples should be respected (e.g., elder system structure).
- Planning should be done together with Indigenous Peoples regarding development in their areas.

PHILIPPINES

- **All tribes (inclusive) at all levels, participants in development, not as recipients only.**
- **Indigenous Peoples should be regarded as solution**, not as problem, in pursuing self-determined development (sustainable communities/ecosystems).
- **Strengthening of customary laws** and self-reliance of communities and support of good practices.
 - Documentation of customary laws (customary governance and legal system).
 - Documentation of customary laws of different tribes. These laws represent our local constitution, our 'bible'.
 - Customary laws are part of IKSP (Indigenous Knowledge System and Practices) and should be protected and properly documented.
- Literacy rate increased to 90%.
- Discrimination/social injustice towards Indigenous Peoples fully eliminated.
- Registration of Indigenous Peoples without birth certificates.
- Indigenous Peoples leaders fully protected.
- Genuine recognition of ancestral land rights. Unawarded Certificates of Ancestral Domain Titles (CADT)/Certificates of Ancestral Land Titles (CALTs) granted/released. Development on CADTs must be concrete and sustainable. Programs should focus on CADTs (focused intervention in ancestral domain).
- Sustainable development of ancestral domain—Indigenous Peoples can't do it alone. This is a good opportunity to ask support from World Bank.
- Indigenous Peoples provided with livelihoods at sustainable level.
- Priority given to Indigenous Peoples' education, provision of **basic social services** and protection of environment.
- Indigenous Peoples should be key participants in the Indigenous Peoples project itself. They should not only be engaged as guides for enumerators, but could themselves be project enumerators.

- There is still no official data on Indigenous Peoples from the National Statistics Office (NSO) (no Indigenous Peoples data in NSO documents). Such information and data would be useful for community planning.

NEPAL

- The vision and aspirations expressed by Indigenous Peoples in Nepal include: ***Self-determination, identity and dignity of Indigenous Peoples should be respected; ownership and customary rights to lands, territories and traditional knowledge should be recognized.*** Ethnic diversity should be regarded as an opportunity, rather than a challenge.
- Indigenous Peoples are presumed to be poor or under-developed at the outset. In reality, they are ***marginalized through disadvantages in education and language and lack of recognition of their lands and traditional knowledge.*** For example, many natural protected areas were established by the government in the 1970s on Indigenous Peoples' territories.
- Mainstream development views trees as a commodity, whereas Indigenous Peoples see them as spiritual. There is a big difference in the understanding of development. The Bank should consider Indigenous Peoples' ***spiritual values*** as a contributor to sustainable development. The Bank should consider intangible assets, not only tangible ones. Global institutions, including the World Bank and the Asian Development Bank, often objectify Indigenous Peoples. This is a misinterpretation of who Indigenous Peoples are.
- Indigenous Peoples are excluded not only from economic development, but also from formulation of development plans. ***Recognition of Indigenous Peoples as a legal entity*** is key to economic growth of indigenous communities. It should be acknowledged that Indigenous Peoples are rights holders, rather than stakeholders.
- Nepal is in a state building process. A root cause of Nepal's internal conflict in the past is that Indigenous Peoples were ignored. Involving Indigenous Peoples' institutions in the process should be considered as a lesson learned for the Bank.
- Elites in ***Casteism*** capture local resources, hampering participation of Indigenous Peoples and Dalits in economic development. Community perception based on Casteism affects participation of Indigenous Peoples and other marginalized groups in project development and outcomes. Participation of Indigenous Peoples from the start of planning, including engineering design, is important.
- Not just equality but equity is important. ***Affirmative action*** is needed.
 - For Terai Madhesh:
 - the government must allocate the annual budget of 51 percent for the people of Madhesh proportionate to its population.

- the people below the poverty line must be identified in all 75 district of Nepal.
- vocational education through polytechnic institutes should be provided to people whose income is below the poverty line.
- general awareness should be raised through mass communication; redundant laws should be amended in favor of Indigenous Peoples.
- the government and the Bank should promote the employment of the peoples of Terai Madhesh in different industries and enterprises.

RUSSIA

- The Bank will need to take into account the many IP groups as well as diverse regions – a multi-pronged approach is necessary in Russia. Discussions of ethnicity in the Russian Federation are both complex and sensitive due to historical legacies of state- and nation-building.
- The concept of indigeneity has considerably evolved throughout the recent history of the Russian state. The Russian Unified Register enumerates a list of formally recognized indigenous groups. It now comprises 47 ‘numerically small’ minority peoples, of which 40 inhabit territories belonging to Siberia, the Russian North or the Russian Far East. Other indigenous groups include IPs living in the Caucasus, the Volga, and the steppe zone, as well as the small peoples of north-west Russia. In the modern Russian state, official identification of ethnic groups as “Indigenous Peoples” is based on the following criteria: a) Living in the historical territories of their ancestors; b) Preserving their traditional way of life, occupations, and folk art [handicrafts]; c) Self-recognizing themselves as a separate ethnicity; d) Numbering at most 50,000 people within Russia
- There is a gap between formal IP rights under the Russian legislation and their practical implementation. Formally, IPs in the Russian Federation have a wide range of special benefits and rights guaranteed to them, broadly paralleling the special considerations and requirements for participation and consultation called for in OP 4.10. However, they are not always attainable. Contradictory laws and regulations as well as a lack of enforcement can result in the de facto denial of many of the fundamental rights accorded to IPs like land rights and access to traditional subsistence activities. Many IP organizations maintain that the Constitution actually affords little space to IP *communities* (as differentiated from individuals).

CHINA

- In order to rapidly reduce poverty:
 - Strengthen cooperation with the Bank to expand procurement by Fortune 500 companies of

	<p>products from Ethnic Minority enterprises.</p> <ul style="list-style-type: none"> – Work together with the Bank to support development of handicraft industry in Ethnic Minority areas, using the Bank's experience in management, marketing, technical training and beneficiary participation to expand employment and increase income of Ethnic Minority groups. – Provide employment opportunities and skills training to Ethnic Minorities, support to set up businesses, and invest more in education for Ethnic Minority people. <ul style="list-style-type: none"> • There is a need to further study how to achieve economic development of Ethnic Minorities while maintaining their culture and identity, as well as how to balance short term economic benefits with longer term sustainable livelihoods. Economic benefits can be achieved in the short term through significant investment in tourism and other suitable activities, but if local environment and unique culture are compromised, they can be almost impossible to repair. • To expand the role of IP in sustainable development, involve Ethnic Minority communities in follow-up management of projects. • Key lessons in supporting the development and engagement of IP: Develop and implement special plans targeted at Ethnic Minorities.
<p>1-2. National Context and Relations with the Government</p>	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • IP representatives mentioned the importance of working with the States to allow indigenous communities access to World Bank resources. <p><u>AFRICA</u></p> <ul style="list-style-type: none"> • Relations with government: Participants observed that some governments have impoverished Indigenous Peoples in their territories. The Bank should make funds available to help Indigenous Peoples communities in those countries. When government officials come to consult, people are not able to speak freely because they do not feel comfortable airing their grievances against the government. This makes the "free" part of free, prior and informed consent (FPIC) impossible. Governments should be required to demonstrate that they have contacted Indigenous Peoples organizations, so that they cannot assert that they spoke with Indigenous Peoples, when in fact the community was not consulted. The Bank should monitor the situation alongside the government. • Progress at national and regional levels: The work and support of the AU Commission was underscored and appreciated. While participants felt that individual governments lagged in adopting the AU Commission's recommendations, they praised Kenya for the very progressive stance the country has taken on Indigenous Peoples issues in its constitution. They also recognized the support of

vibrant human rights bodies in Cameroon, Kenya, Uganda and Zimbabwe. Moreover, various platforms at national and continental level have fostered knowledge sharing among Indigenous Peoples and helped support national Indigenous Peoples organizations.

- **Improvement of legal framework:** Participants advocated for national legal frameworks that not only address Indigenous Peoples' issues (i.e., recognition of Indigenous Peoples and of their collective rights) but also provide the means for effective enforcement of legislation. Participants also identified the establishment of national guidelines on FPIC as a significant next step.

SOUTHEAST ASIA (Philippines)

- The Philippines has good policies on safeguards but implementation problems, especially with the government, do occur.
- **Reform National Commission on Indigenous Peoples (NCIP)**
 - Indigenous Peoples-defined selection process for Commissioners.
 - Better accountability mechanisms for erring NCIP staff.
 - Enhanced capacity of NCIP.
 - Key career officials hired from indigenous communities.
- **Indigenous People Mandatory Representative (IPMR) recognition**
 - The process is reported to be manipulated by the LGUs, e.g., local officials who select/appoint the IPMR in a ceremonial fashion, but with a hidden agenda in relation to Indigenous Peoples-related concerns (logging, mining issues, etc.)
 - IPMRs should be fully institutionalized (with adequate budget).
 - Lack of IPMR institutionalization (not the fault of Department of Interior and Local Government—it is good that this department initiated this).

SOUTHEAST ASIA (Cambodia)

- Monitoring of and follow-up with the government with regard to grants.
- **Encourage the government to respect the United Nations Declaration on the Rights of Indigenous People (UNDRIP).**

SOUTHEAST ASIA (Indonesia)

- **Reaching out from both directions:** in some countries of Southeast Asia, both the government and Indigenous Peoples themselves together with other actors are taking initiatives to cooperate in various projects. Such two-way reaching out should be replicated in Indonesia, where participation of Indigenous Peoples is weak.

- Southeast Asian countries have showed the significance of **transparency at all levels of development, an area** where Indonesia could improve. With more transparency, Indigenous Peoples are less vulnerable to government irregularities or manipulation.

NEPAL:

- Nepal's Indigenous Peoples' vision is not limited to economic development: they wish to **participate in state mechanisms and policy making**. Until Indigenous Peoples are able to be represented in state and local political mechanisms, nothing will change economically, socially or culturally. The Bank should play a catalyst role in making government accountable for the political, economic and social rights of Indigenous Peoples.
- **International obligations:** While Nepal is a signatory of ILO 169 and UNDRIP, the country's situation and national sovereignty issues are being used as an excuse to violate Indigenous Peoples' rights. The Bank should review the country's laws before signing any financing agreement.
- **Constitution:** Nepal is still in the process of drafting a new constitution and there is still no consensus on identity-based federalism. While Nepal has ratified ILO 169, there is no mechanism to implement it. It is important for global institutions like the World Bank to take concrete and strong steps to positively influence this situation.

CHINA

- The Chinese Government's policy on Ethnic Minorities is in line with the Bank's Operational Policy in terms of: (a) promoting development of Ethnic Minorities; and (b) minimizing negative impacts on Ethnic Minorities.
- The Chinese Government has supported development of Ethnic Minorities by implementing targeted policies, plans and twinning mechanisms/arrangements, and by providing earmarked financial support.

RUSSIA

- **Economic risks and opportunities.**
 - **The creation of model territories of traditional natural resources use for IPs in the Russian Federation:** Khabarovskiy Kray has been working since 2009 to designate a special location to preserve the traditional livelihood of IPs, sustain their cultural heritage, and offer them full social protection.
 - **Economic support to IPs:** Khanty Mansiyskiy Autonomous Okrug (KMAO) presented its experience in this area. Its policy is to provide IPs with incentives to find jobs and reduce

dependency on federal and regional support funds. KMAO invested 2.5 billion rubles in housing for IPs and also closely monitors the payment of compensation to IPs for any commercial use of natural resources on IPs' historic lands. A problem that the government of KMAO encounters is that IPs often prefer to use the compensation money to settle in cities, and abandon their traditional lands. For this reason, the costs of developing traditional settlements are overly high.

- ***Social and environmental risks and opportunities***

- ***The negative effects of extractive industries:*** This topic was discussed primarily in the context of the oil and mining industries in KMAO and coal production in Kemerovo Region. Extractive companies are very active in the region and the government works with them on a variety of matters related to IP protection. In particular, the companies currently have an obligation to consult with IPs and fully compensate them for loss of land and income as a result of extractive activities on their lands. However, in some cases compensation is not paid in full, and in other instances IPs lack awareness of their rights vis-à-vis extractive companies. The rights of IPs should be protected in industrial development.
- ***The negative effects of natural disasters:*** The contamination of the Amour river and severe flooding in the area led to the loss of IPs' traditional sources of revenue. IPs, who often belong to the poorest groups of the population and heavily depend on governmental support, are gravely affected by such natural disasters. Different possibilities of offering help to such IPs were discussed.
- ***The challenge of intangible culture preservation:*** Participants raised the preservation of IPs' intangible culture as a challenge and discussed possible approaches to address this matter. The model territory created by Khabarovskiy Kray is one potential approach. KMAO is also currently working to set up a registry of intangible IP heritage (dances, songs, stories, language). KMAO also restricts all commercial activities in sacred sites and places of cultural importance for IPs (16 locations will be designated).
- ***The challenge of language preservation:*** Two problems that contribute to the danger of losing indigenous languages were discussed. First, indigenous languages are often not taught in schools and children do not have sufficient exposure to them (some of the regional representative responded that the option to learn an indigenous language in school exists, but the choice to do so often depends on the parents). Second, for various reasons, indigenous populations may not use their own languages and as a result the language is gradually lost.

	<p>Teaching of indigenous languages should be mandatory.</p> <ul style="list-style-type: none"> – The challenge of resettlement: This is often a challenge as in some cases IPs have been forced to leave their territories, and cannot return to them even if no one else uses the land. Even if the land is abandoned, IPs still remain in the vicinity in order to preserve ties to their historic roots. – Alcoholism: Alcohol abuse is a major cause of mortality for IPs. Governmental and developmental programs should better address this problem, and introduce new approaches to promote healthy lifestyle among IPs.
<p>1-3. Governance of Indigenous Peoples Institutions</p>	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • The discussions also touched upon the necessity of supporting and strengthening the indigenous governance and administration institutions to develop the necessary capacity to engage with the Bank as partners. <p><u>PHILIPPINES</u></p> <ul style="list-style-type: none"> • Indigenous Peoples groups should be strengthened; conflicts between and among Indigenous Peoples' groups should be minimized if not avoided (there is a tendency for the Indigenous Peoples' groups not to be heard if they themselves are divided); and adoption of indigenous political structure; before strengthening NCIP, we as Indigenous Peoples need to strengthen ourselves. • Indigenous Peoples' community-based mechanisms (implementation and programs): IPMR, local school board and legislative council have not yet been established. <p><u>NEPAL</u></p> <ul style="list-style-type: none"> • The challenge in project implementation is that community members may have different views on the project. The community leaders should try to understand everyone's view and achieve consensus. • Governance of Indigenous Peoples communities: Indigenous Peoples' traditional structure has been spoiled and weakened by NGOs, which establish new structure for project purposes. It should also be noted that the governance system of Indigenous Peoples' institutions is not necessarily inclusive and democratic. <p><u>RUSSIA</u></p> <ul style="list-style-type: none"> • Representation: The role and legitimacy of IP representative organizations was raised by several participants. While the Association of Indigenous Peoples of the North, Siberia and Far East is the largest IP organization in the RF, several participants noted that it does not offer full representation to all IP groups in the country and other organizations should be actively involved in the IP dialogue as well. In particular,

	these IP organizations should be able to take an active part in the tripartite agreements that are signed among federal government, regional government, and RAIPON. It is important to note that RAIPON does not represent all IPs.
2. The World Bank's Role and Assistance	
2-1. Expected Role of the World Bank	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> • World Bank as facilitator: Participants praised the World Bank for having succeeded to a large extent in facilitating dialogue between governments and Indigenous Peoples at the regional and national levels, which has led to the adoption of positive guidelines to promote sustainable development (e.g., positive outcomes of FCPF dialogue). Participants indicated that when their own national systems failed them, very often international and regional mechanisms supporting Indigenous Peoples' strategies have fostered Indigenous Peoples' contribution to and engagement in the development process. <p><u>NEPAL</u></p> <ul style="list-style-type: none"> • While the Bank sets a high target for poverty reduction and shared prosperity, it should not be just an actor, but undertake a catalyst role so that the country takes more responsibility for its international obligations. • The international obligations that Nepal signed should be monitored and enforced by the Bank.
2-2. Participation in the Bank's Programs and Projects	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • Broader participation in national and regional programs and strategic planning: The participants agreed that the Bank should promote more effective mechanisms for the participation of Indigenous Peoples in national or regional programs where they could be affected or benefit. In particular, they mentioned the need for a more meaningful role in the Bank's strategic planning processes with governments in countries where they have a significant presence. • Enhanced participation in project design and development: The discussion of this topic was centered around changing Indigenous Peoples' role in the IP policy from passive actors or receptors of impacts/benefits to becoming an active player and partner in project design and implementation. • Furthermore, the participation of indigenous peoples all projects in which they are stakeholders must be full and effective, and it must encompass all stages of the project including design, implementation, and monitoring and evaluation. <p><u>AFRICA</u></p>

- **Indigenous Peoples' participation in projects:** Bank projects often contribute to land grabbing and do not support Indigenous Peoples' development. Bank staff knows the project's location, and help with acquisition of project land. Indigenous Peoples' play little or no role. The Bank should revisit the process to ensure Indigenous Peoples' participation. Often the borrower does not include concerns from Indigenous Peoples on the ground. It is important to have someone from outside to listen to both sides. The Inspection Panel can address disputes but another layer is needed.
- **Critical need to involve social scientists in project identification and preparation:** Participants deplored the frequent absence of social scientists with proven expertise on Indigenous Peoples' issues in project teams, particularly on the government side. Participants proposed that one way to address this issue is to build the capacity of Indigenous Peoples and increase their presence in government. When compensation is involved, there's a drought: the social network is broken and is very difficult to rebuild or to compensate for. There is a need for social scientists focused on Indigenous Peoples and with the required expertise to be involved in project preparation.
- **Attracting development projects based on Indigenous Peoples' interests and values:** Participants proposed to explore ways in which Indigenous Peoples can attract economic development based on their interests and values, which would give them a stronger voice in the planning and decision-making process.
- An indigenous person should be part of the project team so that issues specific to indigenous communities can be adequately addressed and reflected in project design.

SOUTHEAST ASIA (Vietnam)

- Stakeholders, including those affected by the project (Indigenous Peoples) directly participate in the planning process.

SOUTHEAST ASIA (Cambodia)

- Planning should be done together with Indigenous Peoples regarding development in their areas, and encourage Indigenous Peoples' participation in all development activities at their local level.

SOUTHEAST ASIA (Indonesia)

- To effectively involve Indigenous Peoples in planning and decision making processes, they need to be represented so that their needs and concerns can be raised, and to help in monitoring the overall process.
- It is urgent, at least in Indonesia, that Indigenous Peoples' communities be encouraged to fully and effectively engage in all levels of planning, implementation, monitoring as well as in decision-making processes.

PHILIPPINES

- **Participation from project preparation stage**
 - At project preparation, form an appraisal team which is composed of Indigenous Peoples to ensure that customary laws and practices are taken into consideration.
 - Projects implemented by certain agencies undergo pre-project preparation where an appraisal team composed of Indigenous Peoples, NGOs, and civil society groups is created. However, in reality, most of the projects are already approved, and this violates the Indigenous Peoples' rights. In this case, Indigenous Peoples are treated as mere beneficiaries and not as partners.
- Indigenous Peoples' information and data
 - Community-driven or determined; communities themselves to do the work, i.e., enumeration, facilitation.
- Assistance in budget preparation and management of information system
- Ancestral domain recognition
 - Alienable areas are still a part of ancestral domain.
 - Support for title rights of Indigenous Peoples is needed.
 - Assistance to ancestral domain sustainable development formulation and implementation (sustainable mechanism).
- Indigenous Peoples have limited participation in activities related to environmental and climate change.
- Recognition and acceptance of customary law in the context of global guidelines.

NEPAL

- Currently, project design is communicated to Indigenous Peoples in a top-down direction, whereas it should go the other way. The **needs assessment** in the Indigenous Peoples communities should be done first, and then the project design should follow to respond to the communities' needs.
 - **Access to information:** The Bank's country program needs to be more transparent, accessible and inclusive.
 - **Full participation in all key stages:** Indigenous Peoples communities should participate in the project from the initial stage, at the decision-making level. Effective participation in design and monitoring stages is key. It is also important to involve Indigenous Peoples communities in the project steering committee. Project management should be responsive to Indigenous Peoples' concerns.
 - It is also important to consider the **mechanisms and processes for effective participation**.

	<ul style="list-style-type: none"> • Benefit sharing: The Bank should incentivize participation through benefit sharing, and encourage Indigenous Peoples to participate in the whole process as beneficiaries. • Financial resources: Financial resources need to be allocated and audited to ensure Indigenous Peoples' participation. • Indigenous Peoples' skills and capacities are important to be able to participate in the planning process. <p>CHINA</p> <ul style="list-style-type: none"> • Borrowing countries need to improve coordination among line ministries to integrate resources for holistic project design, so that budget earmarked for specific purposes can be mobilized to fund relevant components of the project. For example, the budget from Commission of Ethnic Minority Affairs could be integrated into a project if the Commission is involved early on during project preparation. • Design of project activities should reflect local needs, which may change over time. • It is very important to engage Ethnic Minorities so as to hear their voices during project preparation; this will help to ensure project sustainability. • Innovation in community organizations should be fostered so that they can take a leading role in community development and management and participate fully in project preparation, implementation, monitoring and evaluation. • Project preparation should respect local knowledge to capture and reflect reality on the ground. • It is helpful to link Ethnic Minority policy implementation with local poverty reduction policies in order to ensure political and financial support. • PMOs should identify local needs by conducting household interviews on a regular basis. • Critical infrastructure should be provided to local communities, development of local unique industries should be supported and measures taken to ensure protection and development of Ethnic Minority culture, including non-physical cultural resources. • Ethnic Minorities should be mobilized to participate in project implementation by providing them with temporary employment opportunities in the project.
<p>2-3. Technical and Financial Assistance</p>	<p>LATIN AMERICA</p> <ul style="list-style-type: none"> • Support for Indigenous Peoples' own institutional organizing and capacity: There should be more support to the Indigenous Peoples' own institutional organizing and capacity to engage as partners with the Bank in the shared prosperity agenda. • According to the participants, this entails establishing mechanisms where the Bank can work directly with indigenous peoples through support for their projects, technical assistance, knowledge, and convening

services.

AFRICA

- **Capacity building of Indigenous Peoples:** In some consultations, the people with whom the Bank is engaging in fact have little capacity to engage. Funds should be made available for capacity building, so that people are aware of and can defend their rights.
- Participants made the case for IFIs like the World Bank to include resources earmarked for Indigenous Peoples' capacity building in project implementation budgets. Several participants indicated that women would need to be at the center of capacity building initiatives. Further, the importance of recruiting Indigenous Peoples' experts whenever the skills and expertise sought by a project are available in Indigenous Peoples' communities was highlighted as another way to build capacity. Moving forward, participants stressed that it would be crucial for Indigenous Peoples to build their own body of research on Indigenous Peoples' issues and take ownership of their research processes.
- Consideration should be given to set up a **trust fund for Indigenous Peoples** outside the traditional Bank lending instruments to help build their capacity outside the borrower's influence. **The funds should be channeled directly to Indigenous Peoples.** The Bank's support for Indigenous Peoples is scattered, e.g., FCPF, Climate Investment Funds (CIFs), Investment Project Financing (IPF), etc.
- Approaches to **funding Indigenous Peoples' livelihoods** as a way to support borrower capacity. The "do good" aspects are often taken hostage by the Bank and the Bank is taken hostage by the state.
- Participants recommended that progress in that area could be achieved by: (i) addressing Indigenous Peoples' issues through regional projects; (2) building Indigenous Peoples' capacity to establish cooperative relations with their respective governments; (3) helping Indigenous Peoples to organize themselves in working groups to tackle common issues; and (4) tapping the Indigenous Peoples community first for expertise and skills on development issues affecting Indigenous Peoples instead of turning to external experts.

SOUTHEAST ASIA(Vietnam)

- Capacity building, including institutional and policy capacity.

SOUTHEAST ASIA (Cambodia)

- Provide opportunity for Indigenous Peoples representatives to raise their concerns/issues at national, regional and international levels.
- Fund Indigenous Peoples institution directly. And Community rural development (according to the needs of Indigenous Peoples community).

	<p><u>PHILIPPINES</u></p> <ul style="list-style-type: none"> The National Commission on Indigenous Peoples (NCIP) website has very interesting maps, information and data on Indigenous Peoples. It is good that the Bank provided technical assistance to the NCIP in terms of maintaining the website. <p><u>RUSSIA</u></p> <ul style="list-style-type: none"> IPs in Russia are losing sources of income. The Bank could engage in projects that <i>support livelihood opportunities for IPs as part of reimbursable advisory services.</i> It would be good for the Bank to offer training abroad and capacity building initiatives for IP representatives on issues of priority that are identified by IPs (e.g., economic development, cultural heritage, etc.). Support is needed at the level of the local communities, for example, <i>workshops for local governments, municipalities, those who live the life of local communities, to learn best practices.</i> There is a need for technical assistance.
<p>2-4. Forest Carbon Partnership Facility (FCPF)</p>	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> The right to carbon, isolated from trees or land, should be captured in OP 4.10. <i>The Forest Carbon Partnership Facility (FCPF) represents good practice of the Bank.</i> Carbon finance operations should be responsive to the specific circumstances of Indigenous Peoples. They called on the Bank to engage more closely with the Government of the Republic of Congo in the context of ongoing operations, especially REDD+, in order to ensure that Indigenous Peoples' issues receive attention and priority and to implement a new law on the rights of Indigenous Peoples. <p><u>SOUTHEAST ASIA (Cambodia)</u></p> <ul style="list-style-type: none"> <i>Forest Carbon Partnership Facility (FCPF) more effectively implemented in collaboration with UN-REDD program.</i> Forestry Carbon Partnership Facility (FCPF) should fund in terms of capacity development for Indigenous Peoples – education, scholarship for poor Indigenous Peoples students, health program for Indigenous Peoples.
<p>2-5. Dialogue between Indigenous Peoples and the World Bank</p>	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> <i>Greater access to senior management and board.</i> The Bank should facilitate an opportunity for Indigenous Peoples to voice these proposals directly to the Board of Director or Sr. Bank Management at a high level meeting. <p><u>AFRICA</u></p>

- **World Bank Indigenous Peoples advisory council:** Participants wished to know how the Bank would establish and strengthen the council and how representatives can present community concerns. They asked the Bank to make some commitment toward that process. They also hoped that there would be opportunities for the council to engage with local communities even in challenging governance contexts.
- **Creation of enabling structures as platforms for engagement:** Participants advocated for the creation of advisory bodies on Indigenous Peoples at national, regional, and continental levels to bring Indigenous Peoples, the World Bank (and other development partners) and governments together in an ongoing dialogue. Such platforms would help improve coordination among Indigenous Peoples working groups on interventions regarding key issues (conservation, energy, land).
- **Training of WB staff:** Concern was raised about the need to “de-colonize” the World Bank. The Bank should recruit staff with a background in human rights and working with Indigenous Peoples. Bank staff should be better trained on how to engage with indigenous communities.
- Some participants wanted more information on the **change process** underway in the World Bank and its implications for Indigenous Peoples. Several asked how this dialogue with African Indigenous Peoples will be factored into the ongoing safeguard review and update, and the other changes in the World Bank.
- **A further consultative meeting to be held in Africa** once a draft of the new policy on Indigenous Peoples is available, to include representatives from North Africa.
- **Communication:** Participants would have preferred to receive the agenda for the dialogue before the meeting and to have been involved in preparation. The participation of the African Union (AU) Commission is important. This dialogue contributes to creating trust in the Bank. Participants were concerned about the absence of colleagues from North Africa. Some dissatisfaction with World Bank regional groupings in Africa was expressed.
- **Dialogue and sensitization program between World Bank Headquarters and Country Offices** should be conducted.
- **Ensure the visibility of Indigenous Peoples in Africa in the Bank reorganization**, with a special arrangement if necessary. The earlier dialogue with Indigenous Peoples should not be diminished.

SOUTHEAST ASIA

- The objectives of the Indigenous Peoples dialogue should be defined by both Indigenous Peoples and the Bank.
- Advisory Council: **Key is for the Indigenous Peoples groups to have regular dialogue with the Bank, not only with staff but also with Bank management and the Board.**
- Draw lessons from existing advisory councils, e.g., IFAD Permanent Forum, Indigenous Peoples Forum. See how they are being organized and conducted.

- The strength of the UNDP Global Advisory Council for CSOs and UNFPA Global Advisory council is that they are able to provide a venue for the concerned stakeholders to meet with top management and have a genuine dialogue with them. The kind of meeting needed brings together the people who make decisions. Indigenous Peoples feel insulted when top management is not present.
- **Provide resources to invite Indigenous Peoples to the Council.**
- **Selection:** regions to self-select and selection should be validated.
- **Roles and functions of the council:**
 - Inclusive process to formulate terms of reference.
 - Clear function and role of this body (protection of Indigenous Peoples' rights and welfare should be the main objective).
 - There should be a clear terms of reference (what level of decision making capacity). One major expectation is for the council to be the body of Indigenous Peoples representatives that can influence the Bank (in the areas of energy, infrastructure and other relevant projects that have impacts on Indigenous Peoples at the level of policy and programs).
 - Implementing Indigenous Peoples' related activity.
- **Access to information:**
 - Important to share documents ahead of time so that Indigenous Peoples representatives will be well prepared before the meeting; determine what kind of information each level receives. Indigenous Peoples and the Bank both need to be prepared for the meeting. Otherwise, the meeting will just be a waste of time. Choose a topic/issue and focus on that.
 - How to facilitate information flows--how information will be disseminated to the local, national and global levels. Indigenous Peoples representatives are accountable. There is a need to set criteria (what kind of information and communication at what level, channels of feedback, level of accountability).
- Track milestones – the Council's milestones and progress should be clearly identified and regularly updated.
- Scoping exercise on lessons learned and gaps will help guide in the design of the proposed council.
- Increase the number of Indigenous Peoples representatives for the Bank's Annual Meeting.

NEPAL

- Participants noted that they would make a written submission on their concerns and issues related to the Bank. A participant said that, while the engagement with the Bank clearly has some positive aspects, they had different positions regarding other issues involving the Bank, such as the Khimti-Dhalkebar

	<p>Transmission Line Project.</p> <ul style="list-style-type: none"> Regarding Advisory council, the participants noted that they would need to consult with other Indigenous Peoples organizations in the country, should the Bank consider establishing such a council in the future. Also, the rules and processes of the council would need to be clarified, as well as the impact it would have on Bank decision making and its access to Bank projects and programs.
2-6. Cooperation with Regional Organizations	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> <i>Strengthened relationship of the Bank with the AU Commission and its Working Group on Indigenous Peoples, as well as other relevant institutions on the continent.</i>
3. Implementation of the Bank's Operational Policy on Indigenous Peoples (OP4.10)	
3-1. General Comments	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> <i>Safeguard policies on Indigenous Peoples adopted by International Financial Institutions (IFIs), including AfDB, have proven to be valuable entry points for Indigenous Peoples to have their voices heard</i> as their issues are often addressed in the context of project safeguards. Participants noted that OP 4.10, for example, has helped enforce Indigenous Peoples' rights and foster dialogues between Indigenous Peoples and their respective governments. Safeguard standards in the private sector have also much improved with IFC's adoption of FPIC in the forefront. <i>"Doing good: It seems that Indigenous Peoples are at the mercy of government. The policy should be formulated to "do good" in projects and the relationship with government should be sustained.</i> <p><u>SOUTHEAST ASIA</u></p> <ul style="list-style-type: none"> Participants have requested by letter to have <i>the safeguard policy applied on a broader scale (national laws and policies), not only to investment/development loans.</i> <p><u>SOUTHEAST ASIA (Lao)</u></p> <ul style="list-style-type: none"> <i>Bank should avoid funding projects involving mining and mega hydropower projects located in Indigenous Peoples' areas.</i> <p><u>SOUTHEAST ASIA (Cambodia)</u></p> <ul style="list-style-type: none"> Profile of the contractor thoroughly studied by Bank. <p><u>NEPAL</u></p> <ul style="list-style-type: none"> While it is often said that <i>OP 4.10 is a good policy that supports Indigenous Peoples, participants did not have this impression on the ground.</i> Before signing any project financing agreement with the government,

the Bank should confirm whether or not Indigenous Peoples are present in the project area and if so, that they have been duly consulted.

- **A distinct policy for Indigenous Peoples should be maintained.** Other marginalized groups, e.g., Madhesh, Dalit, should be addressed separately.
- **Staffing of the country office** – The Bank's country office should enhance staffing from Indigenous Peoples communities for better implementation of the Indigenous Peoples policy.

RUSSIA

- The Bank's definition of IPs is broader, more flexible than the Russian Federation's definition. It includes or is "based on vulnerability". OP 4.10 is definitely applicable in Russia.

CHINA

- **Bank policies on Ethnic Minorities have helped China improving its own policies for Ethnic Minorities.** For example, China's Resettlement Policy No.17 was enhanced by including 'resettlement should observe tradition, cultural habits of Ethnic Minorities' after implementing World Bank projects.
- In some cases where the policy on Ethnic Minorities was triggered, the local project management office (PMO) was inclined to drop the area concerned because they lacked resources to prepare and implement the required Ethnic Minorities Plan. To tackle this problem, it should be made clear that borrowers must prepare a budget for this purpose.
- During project preparation, social experts were involved at a later stage than technical experts, and the opportunity to integrate social issues into project preparation early on was lost. Therefore it is suggested that **social experts should be involved early in project preparation.**
- **Lack of capacity is a challenge especially at lower levels of PMOs.** Capacity building should be provided as was done for the involuntary resettlement policy.
- Internal approval processes require a feasibility study approved by the government. If the feasibility study does not cover compliance with Ethnic Minority requirements, then it becomes difficult to adjust project design to address social impacts and meet the needs of Ethnic Minorities.
- Pressure from the government and the World Bank regarding project schedules can impede effective participation of communities in Ethnic Minority areas as community participation often takes time to achieve.
- Project design, preparation and implementation should respect local knowledge and customs.
- Minority development needs to be integrated with local poverty risk reduction.
- Further clarify criteria for identifying Ethnic Minorities: whether one or all four criteria shall be satisfied;

	<p>whether the majority of Ethnic Minority people benefiting from a project refers to the majority under a component or the entire project.</p> <ul style="list-style-type: none"> • Clarify specific circumstances that require compliance with OP 4.10.
3-2. Indigenous Lands, Territories and Natural Resources	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • <i>Recognition of indigenous lands and territories:</i> The participants stressed the importance of the legal recognition of their rights over the lands and territories they have traditionally occupied or used, as a prerequisite for any intervention. <p><u>AFRICA</u></p> <ul style="list-style-type: none"> • Another important point was with regard to <i>rights to land and natural resources</i>. A participant noted that “local investors” disadvantage Indigenous Peoples by alienating land and natural resources that should otherwise be under communal ownership and management. Another participant stated that landlessness is a particularly “traumatic experience” for Indigenous Peoples that makes it impossible for them to practice their culture given the inextricable linkages between land and culture. • Participants requested the Bank to ensure that “<i>collective land ownership</i>” is recognized as a legitimate form of land ownership in its member countries. • Further, participants requested the Bank to “sensitize” governments through its dialogue with them, and to promote the link between secure tenure to land and natural resources for Indigenous Peoples and overcoming poverty. They asked that the Bank finance only projects that promote <i>tenure security</i>. <p><u>SOUTHEAST ASIA (INDONESIA)</u></p> <ul style="list-style-type: none"> • Relationship between Indigenous Peoples and land: social, economic, political, spiritual, cultural integrity. • <i>Bank should promote recognition of Indigenous Peoples’ rights to land, territories and resources.</i> • <i>Ensure genuine implementation of safeguards.</i> <p><u>SOUTHEAST ASIA (Cambodia)</u></p> <ul style="list-style-type: none"> • Gaps or law against Communal Land Titling registration (CLTs), including economic land concession(ELCs), sub-decree, regulation, Mining Concession Law, political context, private land registration, trend development of the government, private sector globalization. • Specific example and background <ul style="list-style-type: none"> – Mission of volunteer student measuring private land registration for Cambodian people includes indigenous communities, which is contrary to their traditional system (old policy, new action). – Government strongly encourages private sector to invest (for mining, rubber plantation, among others).

	<ul style="list-style-type: none"> – Influx of immigration from outside into Indigenous Peoples’ villages. – Government limits CLTs (only 3 communities a year). – Very slow and complicated process for CLTs. – Local authorities are not willing to support CLTs. • Recommendations: <ul style="list-style-type: none"> – More support for communal land registration (CLTs and mapping, boundary demarcation). – Clear mechanism and monitoring system for follow up on the government. – Funding directly to Indigenous Peoples’ institutions and communities. – Proof of FPIC from Indigenous Peoples representative(s) and/or Indigenous Peoples before government grants concession to private sector. – Indigenous Peoples public consultation at various levels. <p><u>NEPAL</u></p> <ul style="list-style-type: none"> • Lands, territories and resources are imbued with Indigenous Peoples’ history, oral tradition and ancestral actions, through which sacred relationships are maintained with the ancestors and sovereignty is established over the lands. • Fully comply with international instruments of collective rights, particularly UNDRIP, ILO Convention 169, Convention on Biological Diversity (CBD) 8 (J), UNFCCC Cancun Agreement on Safeguards, paragraph 72 and Nepal Treaty Act, 1991, Article 9. <ul style="list-style-type: none"> • Shift from welfare approach to rights-based approach. • Conduct extensive and in-depth study on land injustice prior to project intervention. • Facilitate World Bank member countries to comply with the safeguards policies. • Ensure access of Indigenous Peoples to benefits and revenues.
<p>3-3. Protected Areas</p>	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • World Bank projects funding the development of protected areas should avoid involuntary restrictions to indigenous peoples’ access to resources. Any development of protected areas in indigenous land or territories should be subject to free prior and informed consent.
<p>3-4. Pastoralism</p>	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> • Participants gave overwhelming priority to the issue of pastoralism. They mentioned that 40 percent of the African landscape depends on pastoralism and many Africans depend on pastoralism for their livelihood. They therefore place a high premium on integrated rangeland management systems, and are keen to see national policies that promote adaptive strategies to support a pastoralist lifestyle – which is both a climate change mitigation and adaptation approach. They felt that national policies currently

	<p>misunderstand the nature of this lifestyle and unfairly characterize it as wasteful. They would like more voice in national dialogue processes regarding the place of pastoralism in modern economies and want the Bank to specifically recognize as Indigenous Peoples any pastoralist groups that meet the criteria spelled out in OP 4.10.</p> <ul style="list-style-type: none"> • Stop gap measures for pastoralists so that they are on par with hunter gatherers - ensure no loss of land for them. Recognize them as Indigenous Peoples under OP 4.10.
3-5. Traditional Knowledge and Cultural Heritage	<p>NEPAL</p> <ul style="list-style-type: none"> • Indigenous Peoples' traditional knowledge and practices are not recognized as contributing to economic growth by the government. For example, "Matwaali", indigenous liquor, cannot be sold in the market. There are many dimensions of Indigenous Peoples' knowledge and practices that are not captured in economic growth. <ul style="list-style-type: none"> • Tourism, such as Himalayan trekking, handicrafts and herbal dyes, should benefit the local communities. Currently, all resources are brought from Kathmandu. Government should provide funding and a legal framework, so that local Indigenous Peoples communities can take part in economic growth. Because of the Forest Act and National Park Act, indigenous communities have lost access to traditional local resources. • Globalization goes two ways: it is important not only to localize global goods; indigenous knowledge also should be globalized. • Indigenous Peoples' health knowledge is not recognized as a health option by the government. Because of lack of education, Indigenous Peoples have no access to the government's incentive system. • Valuable Indigenous Peoples' traditional knowledge, such as medicinal practices, is not documented. It should first be documented, and then the government should strategically market traditional knowledge through subsidies and policies. A one stop window should be established for the promotion of Indigenous knowledge, instead of many different government agencies.
3-6. Social Assessment	<p>AFRICA</p> <ul style="list-style-type: none"> • Social assessment by indigenous expert: The social assessment should be carried out by a social scientist who is an indigenous person. An indigenous person should be part of the project team so that issues specific to indigenous communities can be adequately addressed and reflected in project design. • Several participants noted that the World Bank should carry out a political economy analysis of the project site so that broader macro issues in the project area that are affecting indigenous communities could be

	<p>identified.</p> <p><u>SOUTHEAST ASIA (Vietnam)</u></p> <ul style="list-style-type: none"> • In the process of project identification, possible adverse effects of the project taken into account. Full information collected on affected people living in the project area: economic, social and cultural issues. <p><u>SOUTHEAST ASIA (Lao)</u></p> <ul style="list-style-type: none"> • Multi-election system (CSOs-government-private sector) of external expert for conducting environmental and social assessment of the project. <p><u>SOUTHEAST ASIA (Cambodia)</u></p> <ul style="list-style-type: none"> • <i>Consideration for Indigenous Peoples to be part of Environmental Impact Assessment process.</i> <p><u>NEPAL</u></p> <ul style="list-style-type: none"> • <i>Lack of Capacity to undertake social assessment</i> – In general, staff assigned to carry out social assessment lack capacity to identify the social issues of the affected communities in an effective way. Also, regardless of whether project impact is positive or negative, the affected communities do not have capacity to enable effective participation in the social assessment. The validity of data also should be improved. • The social assessment should consider the varying circumstances and implications in terms of land or water, and focus on the people whose livelihood directly depends on natural resources, such as fishermen. <p><u>CHINA</u></p> <ul style="list-style-type: none"> • Environmental Impact Assessment (EIA) and Resettlement Action Plans (RAP) have been included as mandatory requirements in China's project approval process, and resources are thus allocated to carry them out. Social Assessment (SA) and Ethnic Minorities Development Plans (EDMP) should also be included as mandatory requirements to improve enforcement of the policy. SA and plans are important because they directly impact resource redistribution, which is key in promoting shared prosperity. • Often only children and elderly people are available in rural areas when the social assessment is undertaken. This weakens the quality of community participation, and makes it challenging for social experts to achieve full and appropriate representation during the SA. To address this issue, mobile phones and the internet may be used to ensure participating in community decisions/villager assemblies.
<p>3-7. Consultation</p>	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> • <i>Effective consultation:</i> Participants noted that in the case of the Natural Resources Management Project in Kenya, which was the subject of an Inspection Panel complaint, a number of lessons have been learned that should be taken into consideration in future projects where the Indigenous Peoples policy is triggered.

Key among these were that more consultations need to be carried out with affected indigenous communities, a detailed stakeholder analysis should be carried out, and the social assessment needs to be more robust in identifying the needs and priorities of indigenous communities. In addition, consultations need to be respectful of language barriers – consultations in foreign languages have been imposed on indigenous communities. Overall, more emphasis needs to be placed on ensuring effective consultation and access to project information.

- They also noted that one of the weakest aspects of the World Bank's implementation of Indigenous People Plans was ***lack of ongoing consultation*** with communities during project implementation. Furthermore, it is often difficult for Indigenous Peoples to speak to Bank staff; sometimes it has been easier to speak to the Inspection Panel or Vice President than to the Country Director.

SOUTHEAST ASIA(Cambodia)

- ***Pre-design and design stage (when proposal was made and submitted) not made known to people – no pre-consultation with local communities (potentially affected people) prior to implementation.*** People only get to know about project when it has been approved and is being implemented. NGOs, CSOs and Indigenous Peoples community not involved from the beginning of the project.
- ***Potentially affected Indigenous Peoples involved in all stages of the consultation and project implementation process.***
- Engagement from and dissemination to relevant parties regarding safeguard policy (all levels of government, private sector, Indigenous Peoples groups).
- Since there are different local languages among different Indigenous Peoples groups, ***an interpreter should be used to ensure communication.***

SOUTHEAST ASIA (Vietnam)

- Open dialogues with people, especially those affected directly by the project; consultation carried out to seek opinions about optimal design and construction options.
- Careful preparation of consultation contents: easy to understand presentations, in a way relevant to Indigenous Peoples; democracy should be promoted to reach consensus on the basis of FPIC principles. An example of this is in the Provincial Road 264 project in Thai Nguyen province, Vietnam.

SOUTHEAST ASIA(Philippines)

- ***Due process in decision-making, not simply in consultation***

	<ul style="list-style-type: none"> • Include women and youth; all members of the community. • Communities directly and indirectly affected; not limited to government agency, LGU and Indigenous Peoples Mandatory Representative (IPMR). • According to pace defined by the affected communities. • At all stages of project implementation, including assessment, validation and evaluation. • Respect for customary law and practice on decision-making; collective consensus-building, not defined by NCIP. • Addressing manipulation, fraud, intimidation: <ul style="list-style-type: none"> – Cancellation of project/moratorium. – Damages. – Disciplinary action against officials and staff. – Penalties under customary justice systems or public tribunals/peoples' courts (no immunity from suit). • We are only consulted once a project is planned and will be implemented in our ancestral domain (cases in Bukidnon). • Consultation with grassroots Indigenous Peoples and not limited to NCIP-recognized and registered IPOs and LGUs. • Consultation of Tribal Council or ancestral domain-based leaders. Conscious involvement of tribal council or ancestral domain based group, not only tribal leaders (and dealers). • Bank funded projects are usually implemented by Local Government Units (LGU); consultation process is done through public hearing to get support from the people without really considering/consulting the Indigenous Peoples who will be affected by the project. <p><u>NEPAL</u></p> <ul style="list-style-type: none"> • Mandatory international obligations as well as national laws relating to Indigenous Peoples need to be considered when conducting consultations with Indigenous Peoples. • Mother tongue – Regarding communication with Indigenous Peoples, the mother tongue should be respected, rather than the local language.
<p>3-8. Access to Information</p>	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • Enhanced communication and socialization: The discussion emphasized the need to develop more adequate communication tools to allow indigenous peoples to be informed and participate in Bank projects. • Social assessments and indigenous peoples planning frameworks and plans should not only be made available to affected communities, but should also be socialized as in many cases there are people in these

communities that cannot read or write. The language of the instruments should be simple and easily understood.

AFRICA

- Participants noted **the lack of awareness of OP4.10** and the need for **simplifying the language** of the policy in a way that makes it more understandable to Indigenous Peoples.
- **Better knowledge sharing** approaches through publications on policy and project interventions that worked should be utilized.
- Expanded access to regional projects to ensure **sharing of information**. There is a need to study Bank projects for lessons learned; Indigenous Peoples don't know which projects are funded by the Bank.

SOUTHEAST ASIA(Cambodia)

- Commune Council and District Council familiar with safeguard policy and laws related to Indigenous Peoples and other relevant instruments.
- **Information disclosure via multimedia**. Information translated and disseminated in local language.

SOUTHEAST ASIA (Vietnam)

- **Dissemination of project information in full and transparent manner** (and prior development of proper compensation and support policies related to resettlement, fixed cultivation and livelihood opportunity creation).
- Indigenous Peoples often live in disadvantaged areas where socio-economic conditions are poorer than the national average. Therefore, disclosure of project information should be made in a scientific, comprehensive and creative manner and relevant at the local level. The following should be taken into consideration:
 - Information should be adequate; data and facts should be accurate and transparent.
 - Policies should be implemented properly and consistently.
 - Method: documents, models, diagrams, tables and charts should be adequately prepared.
 - Presentation should be made clearly and smoothly. In areas where education levels are lower, Indigenous Peoples representatives should help to present and disseminate selected information; attention should be paid to content related to policies, society and culture of Indigenous Peoples.
 - Information can be disseminated through local radio broadcasting or public loudspeakers; people's questions and opinions should be listened to and answered.

SOUTHEAST ASIA(Philippines)

	<ul style="list-style-type: none"> • Billboards at project sites, publication in newspapers of general circulation, and posting in public areas. • Popularize the Indigenous Peoples policy. And translate the policy into languages that Indigenous Peoples understand. Communication should not be limited to government and private consultants – should also include IPOs and CSOs. Create a database on Indigenous Peoples in each country. <p><u>SOUTHEAST ASIA(Lao)</u></p> <ul style="list-style-type: none"> • World Bank policies and related information should be shared in multi-media. • Information disclosure and Inspection Panel case: Regarding the Khimti-Dhalkebar Transmission Line Project, access to project information has been very difficult, even for lawyers. Both the implementing agency and the country office were not cooperative regarding information disclosure. In the Inspection Panel case, Bank management seems to be trying to justify itself, rather than sitting with project affected communities in open dialogue.
<p>3-9. Broad Community Support</p>	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • The participants said that <i>the current principle of broad community support in OP4.10 was too ambiguous and difficult to document.</i> <p><u>AFRICA</u></p> <ul style="list-style-type: none"> • <i>There are no indicators to measure broad community support.</i> In one case in Kenya the community was completely intimidated and could not make their concerns known. The policy's objectives – poverty reduction, human rights, inclusion, etc. – sometimes are not respected. <p><u>SOUTHEAST ASIA (Philippines)</u></p> <ul style="list-style-type: none"> • Resources to enable Indigenous Peoples to participate in due process, understand the policy. • Evidence of agreement – Memorandum of Agreement (MOA) or contract: <ul style="list-style-type: none"> – If rejected, do not come back repeatedly. “No” means “no” and “yes” means “yes.” – Agreement sealed in accordance with customary law. • No manipulation: <ul style="list-style-type: none"> – Conduct with same community. – Do not create new organizations, leaders or councils. – Do not divide affected areas into phases.

<p>3-10. Instruments</p>	<p><u>CHINA</u></p> <ul style="list-style-type: none"> • Action plans need to be included in the EMDP so that they are effectively implemented. • Supervision of EMDP implementation will improve enforcement of the plan. • Clearly define the scope of the EMDP and sources of funding for IPP preparation. • Clearly define what types of projects need to prepare and EMDP and ensure that there are operational guidelines and rules governing EMDP preparation. • Build capacity of grassroots level implementing units in preparing EMDP through training and other approaches. • Simplify EMDP: whether activities already covered in the SA can be dropped and if yes, whether a 2-4 page improved action plan would be sufficient, or whether a stand-alone EMDP is still needed. • EMDP design and implementation should respect local culture and customs. • EMDP implementation and monitoring should be supported with adequate funding.
<p>3-11. Compensation</p>	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • The policy should also establish mechanisms to ensure restitution or compensation for indigenous peoples when their lands, territories or socio-cultural environments have been negatively affected by Bank-financed projects. <p><u>AFRICA</u></p> <ul style="list-style-type: none"> • Review of redress and compensation for communities forced out of their lands in past and present Bank projects. <p><u>SOUTHEAST ASIA(Cambodia)</u></p> <ul style="list-style-type: none"> • Resettlement plan that allows people to be better off (appropriate compensation to Indigenous Peoples community site if any impact). <p><u>SOUTHEAST ASIA (Vietnam)</u></p> <ul style="list-style-type: none"> • Compensation requested if project affects livelihood of Indigenous Peoples (resettlement, land compensation, job creation, etc.) In addition to compensation, creation of employment (especially for displaced Indigenous Peoples) and proper provision of resettlement.
<p>3-12. Benefit Sharing</p>	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> • Some participants questioned why the World Bank does not more strongly support the concept of benefit sharing with indigenous communities. The policy should be strengthened to more specifically include provisions for benefit sharing with affected indigenous communities. <p><u>SOUTHEAST ASIA(Cambodia)</u></p>

	<ul style="list-style-type: none"> • Community rural development strengthened (scholarship, etc.).
3-13. Gender and Youth	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> • Indigenous youth: This issue is never discussed. Youth representatives should be included on the advisory council. <p><u>SOUTHEAST ASIA (LAO)</u></p> <ul style="list-style-type: none"> • Nam Theun 2 case: gender blind; no compensation for women, women were not counted. The women are the ones who take care of the household's livelihood support, crop planting, livestock, and land. So when Indigenous Peoples are displaced, women are the ones who are affected the most. Women tend to have less participation in project planning and implementation. Recommendations: Bank policy to include gender aspect; ,monitoring is not enough in terms of gender assessment on who gets what, Customary law – men dominate; need to empower women through capacity building. <p><u>PHILIPPINES</u></p> <ul style="list-style-type: none"> • In relation to the conditional cash transfer project, "4 Ps" (Pantawid Pamilyang Pilipino Program) an Indigenous Peoples consultation was held in August 2013 and one issue raised was the seeming lack of sensitivity regarding indigenous women's situation, for example, by requiring indigenous women to be checked by a nurse in a clinic. <p><u>NEPAL</u></p> <ul style="list-style-type: none"> • Gender should cut across the issues.
3-14. Monitoring and Results Indicator	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • Increased focus on indicators and results: World Bank policies should have a greater focus on indicators and results, including indicators to measure "good living". <p><u>AFRICA</u></p> <ul style="list-style-type: none"> • The community also should be involved in the monitoring. The cost of monitoring over the long term should be covered. <p><u>SOUTHEAST ASIA (Lao)</u></p> <ul style="list-style-type: none"> • Monitoring mechanism on financial transparency. Follow-up mechanism to track the results or impacts of the project at post-implementation stage.

	<p><u>SOUTHEAST ASIA (Indonesia)</u></p> <ul style="list-style-type: none"> Highly recommended that all projects be equipped with monitoring as well as grievance mechanisms to undergird Indigenous Peoples' concerns. <p><u>NEPAL</u></p> <ul style="list-style-type: none"> <i>Third party and community participatory monitoring</i> should be considered. <p><u>CHINA</u></p> <ul style="list-style-type: none"> <i>Involve Ethnic Minority communities in the monitoring and evaluation process, in particular of any Ethnic Minorities Plans.</i> Community members may take a leading role in project monitoring, as has been done in some projects. Clarify objectives of EMDP monitoring and evaluation and develop guidelines, similar to those on involuntary resettlement; prepare a monitoring and evaluation manual and identify monitoring indicators. Effective monitoring and evaluation of EMDP contributes to optimizing project design and adapting implementation plans as needed.
<p>3-15. Grievance Redress Mechanism</p>	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> <i>Improved grievances redress mechanisms:</i> The Bank should establish a grievance redress mechanism beyond a project context that would allow indigenous peoples to resolve issues efficiently without the need to go through the Inspection Panel. <p><u>AFRICA</u></p> <ul style="list-style-type: none"> An independent mediation mechanism should be established to address the grievances of indigenous communities. <i>Grievance redress mechanisms</i> should systematically be incorporated into Bank operations <p><u>SOUTHEAST ASIA (Indonesia)</u></p> <ul style="list-style-type: none"> Highly recommended that all projects be equipped with monitoring as well as grievance mechanisms to undergird Indigenous Peoples' concerns. <p><u>NEPAL</u></p> <ul style="list-style-type: none"> <i>Local grievance redress mechanism:</i> Even if there is a grievance redress mechanism at the Bank's country office, it is not easily accessible and transparent to project affected communities. <i>Grievance redress mechanisms at the local level should be considered to monitor project implementation on the ground.</i>

4. Specific Issues Recommended for Consideration in the Safeguard Policies Review

4-1. Free, Prior and Informed Consent (FPIC)

LATIN AMERICA

- **Adoption of free, prior, and informed consent:** The participants asked for the adoption, in line with the UN, IFC, and other multilaterals, of language that provides a more explicit recognition of their rights in regards to decision making and participation in projects that affect their territories and/or natural resources, including free, prior and informed consent on aspects of projects that directly affect them, as opposed to OP 4.10's current principle of broad community support, which the technical committee found too ambiguous and difficult to document.

AFRICA

- Indigenous Peoples note that the policy came into force before UNDRIP. Therefore **free, prior and informed consultation must be replaced with FPIC**. FPIC must be included in the policy paper, and in realities on the ground. **There should be best practices, indicators and guidelines**. Participants also wished to contribute to establishment of national FPIC guidelines.
- Participants from the “francophone group” raised concern about the Bank’s standard of consultation, asking that FPIC be incorporated into the Bank’s new policy as a matter of priority. They emphasized that FPIC is a “legal standard” that guarantees Indigenous Peoples a right to be consulted and that such consultations should lead to consent or lack of it – not a lesser standard.

SOUTHEAST ASIA(Cambodia)

- Free, Prior and Informed Consent (FPIC) principle should be implemented.
- Proof of FPIC from Indigenous Peoples representative(s) and/or Indigenous Peoples before Bank signs any loan agreement/implementation.

SOUTHEAST ASIA (Indonesia)

- **Suggest the use of “CONSENT” to replace “Consultation.”**
- Taking seriously the implementation of FPIC mechanisms in Indigenous Peoples communities by providing clear information. **The more local Indigenous Peoples are involved in such FPIC mechanisms, the more likely they are to actively engage in the project process.** Central to the success of the project’s implementation, according to the group, is the multi-dimensional transparency among the parties in doing the project.
- Implementation of FPIC mechanisms in Indonesia is not fully implemented, and therefore local Indigenous Peoples remain uninformed. Another weak point at grassroots level was the absence of Indigenous

Peoples' representation in various institutions, which as a result have not included them in decision making processes.

SOUTHEAST ASIA (Lao)

- Acceptance of FPIC.

SOUTHEAST ASIA (Vietnam)

- FPIC implemented effectively. However, assessment should be done by an independent party to find out what is missing or needed in each region in order to inform the planning and decision-making process of the project in a timely fashion.

SOUTHEAST ASIA (Philippines)

- ***Genuine FPIC, based more on customary decision making processes of Indigenous Peoples*** and less on the process designed by NCIP.

NEPAL

- ***Consultation with Indigenous Peoples should be conducted in good faith.***
- Indigenous Peoples' institutions (NEFIN, IPOs and traditional institutions) should be brought into the process. Their traditional systems and mechanisms should be respected.
- FPIC is the special right of Indigenous Peoples, not others. The concept of "broad community support" is secondary. ***The Bank's free, prior and informed consultation should be replaced by FPIC.***
- The Bank should ***clearly define the parameter of the consultation.*** So far, all international organizations, including the Bank, have no clear parameters. The suggested parameters include:
 - consult in advance of key decisions.
 - be inclusive, representative and accessible by offering opportunities for informed inputs, and not just for the sake of consultation. Indigenous Peoples' inputs should not be considered as advice only.
 - inform Indigenous Peoples about the results of the consultation process.
- It should be clear that "consent" does not always mean "yes", but can sometimes mean "no" or "wait until Indigenous Peoples make a decision." ***The mechanism and process of "consent" should be set by the Bank. Otherwise "FPIC" would complicate and confuse not only the Bank, but also the indigenous communities.***
- A good example of FPIC is a project in Morang: a proposed landfill site in an indigenous village was canceled as a result of FPIC. NEFIN supported this process.
- ***UN-REDD has already a guideline on how to implement FPIC.*** So, as a UN specialized agency, the Bank should not have a problem in introducing FPIC. NEFIN is finalizing its FPIC guideline. ***This can be used for the Bank's consideration.***

	<ul style="list-style-type: none"> • Grassroots projects will have no problem with FPIC, in which communities are by definition well consulted and consent can be obtained. The problem lies in large scale projects, which are centrally decided by policy makers and ministries, and which do not involve or consult indigenous communities in the planning and implementation. • Also, it needs to be considered how to operationalize FPIC when unequal power differences exist among indigenous communities or benefits are not shared equally. <p>RUSSIA</p> <ul style="list-style-type: none"> • The core issues of Free, Prior and Informed Consent and IP cultural heritage (intangible cultural heritage, preservation of languages) should be considered in the policy update.
4-2. UN Declaration on the Rights of Indigenous Peoples (UNDRIP)	<p>AFRICA</p> <ul style="list-style-type: none"> • The adoption of UNDRIP and the establishment of three UN bodies focused on indigenous peoples' issues (including funding for Indigenous Peoples): the Permanent Forum on Indigenous Peoples, the Expert Mechanism on the Rights of Indigenous Peoples and the Special Rapporteur on the Rights of Indigenous Peoples. Participants particularly appreciate their observer status at the Permanent Forum, which has given them a voice on issues that affect them. UNDRIP should be a minimum standard. <p>SOUTHEAST ASIA</p> <ul style="list-style-type: none"> • Apart from improving implementation, there is a call to review the policy itself because it does not seem consistent with the UN Declaration on Rights of Indigenous Peoples (UNDRIP). <p>NEPAL</p> <ul style="list-style-type: none"> • Awareness and understanding of UNDRIP in the Bank is very limited. The Bank should raise awareness of this UN declaration, from the management level down to lower level staff. <p>RUSSIA</p> <ul style="list-style-type: none"> • The update of the policy should not lead to its weakening. OP 4.10 is lagging behind the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and should be revised. There is a need for harmony and balance.
4-3. Human Rights	<p>AFRICA</p> <ul style="list-style-type: none"> • The issue of human rights was also strongly raised. Participants questioned when the World Bank would explicitly address human rights issues and reflect them in a policy. <p>SOUTHEAST ASIA</p> <ul style="list-style-type: none"> • Even though there is no specific operational guideline or indicator, respect for human rights should be a

	<i>fundamental component.</i>
4-4. Forced Eviction	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> • They requested <i>the Bank to refrain from supporting projects that would lead to forced evictions from Indigenous Peoples' lands.</i> They termed forced evictions as a serious violation of “human rights” that Bank support should not condone. Participants demanded that, in view of the long-term nature of the policy review and update process, an immediate “interim” measure against forced evictions in any Bank-financed projects be implemented. • When Indigenous Peoples are evicted under Bank projects, the Bank should supervise the process closely. <p><u>SOUTHEAST ASIA (Vietnam)</u></p> <ul style="list-style-type: none"> • In Vietnam, land belongs to all people in the country and is managed by the government. The government thereby grants land use rights to people and other organizations (50 years for forest land and 20 years for forestry land). However, when the government acquires the land, compensation at prescribed prices for development projects is made (in other cases, compensation is agreed upon by related parties). Thus, there is a need to clarify specific situations where forced relocation is required and should be done. These are cases when projects are of high value and serve the mass population in terms of socio-economic benefits. • However, it is important to consult effectively with stakeholders and consider related factors affecting Indigenous Peoples' resettlement and policies of the national government. The government sets compensation price and provides stable employment opportunities and incomes. In Vietnam, there are projects affecting environment and causing chaos to the lives of Indigenous Peoples such as hydropower projects and bauxite exploitation projects in the Central Highlands which have attracted wider public attention. <p><u>SOUTHEAST ASIA(Indonesia)</u></p> <ul style="list-style-type: none"> • <i>Zero tolerance for resettlement in indigenous territories.</i>
4-5.Voluntary Isolation	<p><u>LATIN AMERICA</u></p> <ul style="list-style-type: none"> • <i>Respect for Indigenous peoples in voluntary isolation.</i> The Bank should recognize the existence of indigenous peoples in voluntary isolation and respect their autonomy and self-determination to live as such in their harmonic relationship with nature. There should be no interventions or interference in the territories of indigenous peoples in voluntary isolation. <p><u>SOUTHEAST ASIA (Indonesia)</u></p>

	<ul style="list-style-type: none"> • Should be left alone and protection provided. Special effort for Indigenous Peoples who live in voluntary isolation. Should not impose “modern/outside” concept of development.
4-6. Policy Flexibility	<p><u>AFRICA</u></p> <ul style="list-style-type: none"> • <i>Global policy and flexible application:</i> It was suggested that the Bank could have a global Indigenous Peoples policy, but which could have a flexible application at the country level, such as using a term other than Indigenous Peoples, for example “marginalized” or “vulnerable” people.
4-7. Other Marginalized Groups	<p><u>NEPAL</u></p> <ul style="list-style-type: none"> • <i>Continued application of Casteism as a tool of social exclusion in Nepal.</i> Principles of Casteism marginalize, discriminate against and exploit Indigenous Peoples, Dalits, Madhesh, Muslims, disabled persons, backward region, third gender and LGBT. • Marginalized groups lack access to: <ul style="list-style-type: none"> – recognition of identity, citizenship and property rights. – education, health, resources, decision making power in state organs. • The Bank’s development programs and projects should <i>pay special attention to marginalized groups.</i> <ul style="list-style-type: none"> • Issues of Indigenous Peoples and marginalized groups should not be regarded as problems, but as potential contributors to nation building and empowering diversity. • <i>The World Bank and the Asian Development Bank should have a policy to address development issues of Dalits at the South Asian sub-regional level. Dalit communities wish to initiate a dialogue with the Bank.</i>