



The World Bank

Review and Update of the World Bank's Environmental and Social Safeguard Policies

Consultation Meeting with Government Representatives, 25 March 2013

The Bank held a consultation meeting on the Safeguard Policies Review and Update on 25 March 2013 in Ankara, with the participation of representatives from the public sector. The following are the comments and suggestions from the participants.

What works well in the existing safeguard policies?

- The Bank continues to hold a leading position as regards safeguard policies. Turkey is in the process of gradually learning in terms of both country legislation and the implementing agencies.
- The Bank holds meetings with all parties before starting a project. Even if this work is performed on a project basis, it has been observed that positive results are obtained from dialogue with Bank officials regarding specific issues (e.g., urgent expropriation). This could be scaled up to involve other areas as well.

What are the problems and challenges encountered in the implementation of safeguard policies?

- The fact that Turkish environmental legislation and Bank environmental policies do not fully overlap leads to ambiguities, delays and problems in projects.
- 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.
- 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.
- OP 4.12 Involuntary Resettlement is based on ownership. However, not every public agency expropriates properties with ownership; there are also agencies expropriating properties with easement rights. There is a gap in this regard.

- 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.
- 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.
- In the projects of some public agencies, there is a requirement to prepare an EMP even for components that are exempt from the Environmental Impact Assessment (EIA) Regulation. This causes problems particularly for urgent projects.
- 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.

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.

- As far as expropriation is concerned, the Bank should be interested more in social aspects such as the status of grievances and the information provided to the public by companies regarding the elimination of grievances and/or provision of assurances to the public, rather than detailed information about the names of affected people, size of the land expropriated, and structures on the lands expropriated. In this way, it will be possible to complete investments more thoroughly and establish a closer dialogue with people.
- 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.

How can the Bank 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?

- Safeguard policies should take into account the social conditions, practices and realities of each country. It is always easier to manage the process with specialists who have knowledge about Turkey.
- 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.
- The Bank may review whether the arrangements made in areas covered by Turkey’s long-lasting efforts to align its national legislation with European Union (EU) legislation (e.g., EIA legislation) are compliant with its procedures, and focus on how these efforts could be further improved and contribute to Turkey’s joint efforts with the EU. The Bank could also consider whether it should adopt the EU policies in countries having relations with the EU.
- EIAs and EMPs should be prepared in Turkish and approved by the World Bank Turkey Office. Their translation into English after finalization with comments could shorten the process. By agreeing with a translation office that provides acceptable translations, the Bank could

ensure that the language of countries with which it works is translated into English at an appropriate standard.

- The environmental procedures required of sub-borrowers by the Bank are more demanding than the existing national environmental legislation in Turkey. Loans that have the same conditions as those of the market but higher requirements often cause problems for sub-borrower SMEs. In terms of fulfilling environmental obligations, the Bank should consider recognition of country legislation as a sufficient condition.
- The Bank should adopt the core principles of settlement law in Turkey for its loans, as far as expropriation is concerned, and should base its practices on this law.
- 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. The Bank should develop an involuntary resettlement policy specific to Turkey’s circumstances.
- 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.
- OP 4.12 Involuntary Resettlement 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, sub-clauses that take into account smaller projects and/or projects for different purposes, such as small land acquisitions or expropriation for public good, could be introduced into OP 4.12. Reporting for these could be made simpler and more to-the-point. The Bank could accelerate the process by requiring less information and reporting in this process.

Examples of environmental and social assessment and risk management approaches (used by either public or private institutions) that the review should take into consideration.

- Particularly in DSI (government water works) projects, it is already preferred to follow a social approach that minimizes negative environmental impacts, and projects are implemented with this understanding.

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).

- Labor and occupational health and safety is a very critical issue. Because Turkey has taken sufficient measures regarding the subject matter particularly in bidding documents for construction projects, labor and occupational health and safety would not pose much difficulty for Turkey in the context of its existing legislation even if it is included in the scope of the revised policies.
- A negative situation has not been observed to date as regards gender equality. However, it is necessary to be sufficiently informed about the arrangements considered to be introduced as regards gender equality. It has been stated that it is early to take up this issue in Turkey.
- As regards climate change, the Ministry of Environment has a Climate Change Action Plan. Bank could support this action plan instead of producing a separate strategy.

- 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.

Additional comments or suggestions

- 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.
- 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.
- It could be useful to simplify the format of reports submitted to the Bank (e.g., EIA reports). It would be preferable for Turkey to revise Annex-1 and Annex-2 reports to ensure compliance with Bank categories and that reports are made more available to the Bank in general.
- Expropriation does not always have negative impacts; in some cases, it could also offer advantages to the owner of investment lands expropriated in rural areas. This fact should also be taken into consideration.
- In the reporting under expropriation, it would be useful to include the activities of investors in favor of public good and facilities offered to local people in the context of corporate-social responsibility, instead of personal information.
- In order to resolve the problems experienced in relation to expropriation, it could be a solution to offer shares to land owners from the benefits to be reaped from the land, instead of paying compensation for the expropriated land. It could be possible to make a legal arrangement through conducting a study on a financing model among the related ministries. However, the applicability of this suggestion to every project is controversial.