



Review and Update of the World Bank's Safeguard Policies

Consultation Feedback Summary

Date: March 5, 2013

Venue: Brussels, Belgium

Total Number of Participants: 35

Feedback from Stakeholders
1. What has worked well in the current safeguard policies.
<ul style="list-style-type: none"> • The involvement of the World Bank in projects has helped prevent many social and environmental disasters. <ul style="list-style-type: none"> ◦ Existing safeguards concerning dam infrastructure projects have worked well in some cases.
2. Issues and challenges encountered in the application of the safeguard policies.
<ul style="list-style-type: none"> • Political pressure excessively influences the implementation of Bank projects, no matter what safeguards/guidelines are in place. An example is the Kosovo Power Project where 'external pressure' prevented the World Bank Group from examining different options in developing power sources. • 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. • Safeguard policies do not make clear reference to obligations under human rights law. • The Bank's recent Investment Lending Reform (ILR) is an inappropriate model for the architecture of the Bank's safeguards. ILR resulted in dozens of previously binding requirements for supervision and economic evaluation being eliminated or downgraded to non-binding guidance. The scope of application of the safeguard policies is of absolutely fundamental importance to the effectiveness and impact of the safeguards. • 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. 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, as recommended by IEG. • 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. • Safeguards at present do not sufficiently ensure respect for intangible cultural property.

3. 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.

- The plethora of practical guidelines for staff should be integrated into a single comprehensive framework, applicable to all Bank activities.
- Better learning from past mistakes is crucial.
 - The Inspection Panel, and the learning from its cases, should be integrated in a structural/systematic way in the safeguard review.
- Enhanced involvement of local communities early on in the planning of projects should be developed.
- Impact of projects should be monitored strictly, continuously and in a highly detailed manner.
- Reinforced evaluation and monitoring procedures is needed in order to prevent any conflict of interest to the fullest extent possible.
- Application of strict sanctions on staff in case of repeated failure to implement safeguards, as part of a broader system of incentives/disincentives to ensure staff compliance, is needed.

4. 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.

- The Bank should focus more on its own responsibilities with regard to the sustainability of projects, as there is an excessive focus on the responsibilities of client countries.
- A clearer process should be employed in deciding when to use Country Systems with respect to safeguards.
- Though strengthening country systems is laudable, the capacity and will of many countries to enforce their environmental and social laws and regulations is insufficient.

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

- New approaches to safeguards from the Asian Development Bank and African Development Bank should be looked at. In many places they 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.
- A number of governments around the world apply their environmental and social assessment requirements not only to investment projects, but also to decisions related to policy changes, programs, and planning.
- Existing United Nations (UN) treaties and conventions that are relevant to safeguard policies should be examined and possibly incorporated.
- Procedures for both Social Analysis and Environmental Impact Assessment need to reflect the most up to date thinking and guidance.

6. 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).

- All emerging issues should be addressed in the draft safeguards framework. The "if and how" wording in the approach paper relating to these issues should be dropped.
- The review is an ideal opportunity for the Bank to address landgrabbing 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.

- 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.
- Safeguards need to address climate change, e.g., supporting phasing out of fossil fuels.
- An integrated set of human rights safeguards should apply to all Bank activities.
- 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.
- 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.
- Safeguards on natural resources should better address biodiversity issues.
- 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.
- 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.

7. Any additional comments or suggestions.

- There is concern about access to the consultations of key stakeholders and how they are identified, i.e.:
 - African stakeholders (only two consultation meetings have been planned so far)
 - Indigenous Peoples
 - The disabled
- Three weeks notice for a consultation meeting with CSOs is a bit short, especially in developing countries.
- The November 2012 CSO input paper is the official basis for the contributions of the CSO signatories to that paper.
- The approach paper is not a good basis for discussion, as it is insufficiently detailed.
- It is regrettable that a full Bank board discussion will only take place at the very end of the review process. The process should be opened up and the viewpoints of non-CODE members and the full Board should be formally integrated at an early stage. These views in themselves should be subject to consultation.
- There is concern over transparency in the selection of experts for the expert group meetings.
- There is concern that there will not be sufficient opportunity for stakeholders to check whether their comments on the detailed requirements were incorporated before the policies go to the Board for approval.
- Some stakeholders would like to see their comments already reflected in the Bank's first draft of the Policy before its review by the Board.
- Bank staff from the Sustainable Development Network should have been better involved in the consultations, as they implement the safeguard policies on the ground.
- A new safeguard is needed to address issues relating to tax evasion.