



Review and Update of the World Bank's Safeguard Policies Consultation Feedback Summary Multi-stakeholder Meeting, Manila - Philippines

A multi-stakeholder meeting with representatives from civil society, Government and the private sector was held on March 19, 2013 in Manila to discuss the World Bank Safeguards Review and Update process. See Annex 1 - participant list. After a presentation by the World Bank Safeguards Review Team on the background, intended scope and process for the review, the floor was open for participants' questions and comments. Suggestions are outlined below:

What works well in the current safeguard policies

- The safeguards are practical and comprehensive. In particular, the environmental assessment and involuntary resettlement policies have been helpful and they are applied in private sector operations.
- The environmental safeguard process was initially difficult but the government-owned corporation has embraced the process through its environmental due diligence, which it applies to all its projects.
- The Bank's environmental policy fills in the gaps for projects not covered by the government's environmental impact assessment system.
- 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.
- Public consultations (i.e., on involuntary resettlement) are advantageous especially for infrastructure projects.
- Safeguard instruments/policies guide the conduct of the environmental impact assessment requirement for major infrastructure projects (i.e., projects of the Department of Public Works and Highways), integrating important environmental factors.
- Regular missions conducted by the Bank are important as they validate the results of consultations and information collected as well as claims of compliance and effective implementation of safeguards.
- 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.
- Annual fora on safeguards help government agencies understand World Bank safeguard policies and help inter-agency coordination in the implementation of safeguard policies and related regulations.

- The World Bank safeguard process has been adopted by government agencies (e.g., Department of Agriculture, Department of Agrarian Reform) specifically for foreign-assisted projects, but tailor-fit to the requirements of funding agencies. The free prior and informed consent process was streamlined through the Bank-funded project of the Department of Agrarian Reform, in partnership with the National Commission on Indigenous Peoples.
- The National Economic and Development Authority now considers social and environmental issues, including gender, in its project planning, screening, review and approval process and ensures that they are in compliance with the policies of the national government and those of funding agencies/donors.

Improvements the Bank should make on the safeguard policies to enhance their effectiveness

- 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.
- 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).
- Involve national organizations as well as grassroots organizations in drafting the safeguards.
- Harmonize the environmental and social policies of the Bank with the country's policies and laws. Conflicts between the Bank's safeguard policies and government regulators on issues such as environmental safeguards (e.g., creation of multiparty monitoring team or use of a third-party audit) must be reconciled.
- Re-examine procedures in the compensation matrix for relocation projects. The second generation resettlers are a challenge and should be reviewed in the involuntary resettlement assessment.
- Expand review of ecosystem services as part of environmental impact assessment, to consider emerging environmental concerns.
- 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.
- Consider climate change and disaster risk management in project design.

How the Bank should better support borrower's country laws, systems and institutions

- 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).
- Extend technical assistance through independent third party expert analysis/ review of the National Land Use Act.
- The Bank can influence the Philippine government in pushing for the enactment of the National Land Use Act, the Sustainable Forest Management Act, and Reducing Emissions from Deforestation and Forest Degradation.
- Provide technical assistance regarding the proposed environmental impact assessment law that is pending in Congress.
- 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.
- Provide assistance to local government in managing projects that are not required to get environmental clearance (non-covered projects) especially in terms of environmental planning. The Bank can provide guidance on best practices, extend technical assistance to regulators, and cascade these to local government units.
- Simplify the safeguard process especially for projects at the community level.
- 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.
- Open lines of communication with client agencies and between agencies through annual fora on safeguards, with international knowledge and experience sharing.
- Harmonize Bank safeguard policies with the systems of various donors.
- Monitor projects effectively to determine whether harm is being done.
- Take into consideration the weakness in the implementation of standards regarding physical infrastructure, i.e., accessibility features for persons with disabilities and environmental concerns.
- Check on the possibility of opening financing windows for social entrepreneurs, persons with disabilities, and other vulnerable sectors.
- Promote a universal design for accessibility features.
- Help industry comply with environmental requirements that are becoming more stringent.
- Work with government to harmonize environmental safeguards with Philippine laws.
- Share knowledge and build capacity.
- Improve the database by disaggregating data to include persons with disabilities.
- As a cross-cutting issue to be covered in the safeguard policies, promote accessibility features in infrastructure projects.
- 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).
- Explore the use of indigenous materials for construction and housing.

- Apart from loans, the Bank should promote the interests of Indigenous Peoples.
- Consider providing analytic work/independent studies on critical national issues.
- Ensure that economic studies focus on closing the gap between rich and poor.
- 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).
- Bring all actors together to coordinate policies.
- Provide capacity building on safeguards in counterpart agencies.
- In pursuing projects that involve Indigenous Peoples, recognize that respect for Indigenous Peoples' rights are both a legal obligation and a moral imperative.
- Include a cultural impact assessment in recognition of Indigenous Peoples' sacred customs and belief systems in relation to their lands and identities.
- 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.
- 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.

Other feedback, issues and concerns

- 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.
 - 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.
- 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.
 - World Bank response: Disability issues go beyond safeguards. What may not be clear is the role of safeguard policies in addressing the needs of persons with disabilities. We need to determine how the safeguard instruments can be used to address disability issues. It is an emerging area, but it doesn't mean we're not covering it now. In the Involuntary Resettlement policy for example, vulnerable groups are considered in the design of the resettlement program and compensation.

- What is the relevance of Institutional Development Goals (IDG) that we are made to define?
 - World Bank response: IDG is IFC's reporting tool used to track specific items that have to do with performance standards.
- How will the Bank safeguard policies ensure that there is a clear set of metrics and values to how you evaluate programs and projects? How do the Bank safeguard policies approach natural resource and environment accounting?
 - World Bank response: The World Bank is an important source of knowledge. It can do multiple levels of analysis using various tools that are available and appropriate for each level of analysis. One tool alone will not solve the problem. Used well, combined with public consultation and engagement, these tools may help us move forward..
- 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?
 - World Bank response: This may be outside the domain of safeguard policies. But there is a sector within the Bank that deals with these needs, namely the Human Development sector. Safeguard policies are applied whenever there are adverse impacts of Bank-supported projects.
- How does the Bank incorporate climate change in its safeguard policies? It seems that Bank policies are designed to mitigate the impact of its supported projects on the environment, but with climate change, there is a need to consider the impact of the environment on the project.
 - World Bank response: Some projects that the Bank supports impact on climate change. These are mostly energy projects. Projects need to be designed to take into consideration extreme conditions such as lowest water levels, etc. These impacts could be assessed under the EIA, using the proper tools and data.
- 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.
 - World Bank response: A sector within the Bank and the International Finance Corporation looks at this, but it is outside the domain of safeguard policies. Safeguards look at what could potentially cause harm to the environment and people. The policy of 'do no harm' actually covers a large spectrum. But perhaps it has to be made more explicit.

Annex 1



The World Bank

Review and Update of the World Bank's Environmental and Social Safeguard Policies Consultation Meeting – Multi-stakeholder – Participant List

Date: March 19, 2013

Venue: Manila, Philippines

Total Number of Participants: 41

	Participant Name	Organization Represented	Organization Type
1	Therese Guiao	Ateneo School of Government	Civil Society
2	Nicole Torres	Ateneo School of Government	Civil Society
3	Abner Manlapaz	Philippine Coalition on UNCRPD	Civil Society
4	Liza Martinez	Philippine Coalition on UNCRPD	Civil Society
5	Lauro Purcil	Philippine Coalition on UNCRPD	Civil Society
6	Ronnel del Rio	Philippine Coalition on UNCRPD/ Batangas Provincial Government	Civil Society/ Government
7	Maricel Manalo	Philippine Coalition on UNCRPD/ Batangas Provincial Government	Civil Society/ Government
8	Jeremiah Sebastian	Pollution Control Association. of the Philippines	Civil Society
9	Joy Garcia	Tahanang Walang Hagdan	Civil Society
10	Amay yi Iwag Elfranco Linsahay	Mt. Palaopao Upper Mangima Tribal Communities, Inc.	Civil Society
11	Jo Rowena Garcia	Consultant	Individual
12	Ma. Malena Alvarez	Department of Agrarian Reform	Government
13	Rogelio Aquino	Department of Agrarian Reform	Government
14	Josie Arevalo	Department of Agrarian Reform	Government
15	Rosario Regalado	Department of Agrarian Reform	Government

16	Agnes de Jesus	Department of Energy	Government
17	Jeslina Gorospe	Department of Environment and Natural Resources	Government
18	Rita Papey	Department of Health	Government
19	Charlene Blando	Department of Public Works and Highways	Government
20	Lalaine Catulong	Department of Public Works and Highways	Government
21	Dolly Viloría	Department of Public Works and Highways	Government
22	Sandy Lyn Bedio	Department of Social Welfare and Development	Government
23	Joyce Pacacol	Department of Social Welfare and Development	Government
24	Sareth Tiongson	Department of Social Welfare and Development	Government
25	Paul Lazaro	Development Bank of the Philippines	Government
26	Genesis Francisco	Environmental Management Bureau	Government
27	Alyanna Uy	Environmental Management Bureau	Government
28	Ronald Fontanillas	Housing and Urban Development Coordinating Council	Government
29	Bernice Varonoa	Housing and Urban Development Coordinating Council	Government
30	Von Vargas	Laguna Lake Development Authority	Government
31	Nereus Acosta	Laguna Lake Development Authority/ Presidential Adviser for Environmental Protection	Government
32	Prudencio Calado III	Land Bank of the Philippines	Government
33	Josie Ramos	Land Bank of the Philippines	Government
34	Josie Ramos	Land Bank of the Philippines	Government
35	Arnel Arreglado	Mindanao Rural Development Project 2	Government
36	Gina Aljelera	National Economic Development Authority	Government
37	Myrna Asuncion	National Economic Development Authority	Government

38	Ma. Ellaine Patambang	National Economic Development Authority	Government
39	Elsie Trinidad	National Housing Authority	Government
40	Marky Castañer	Office of the Presidential Adviser for Environmental Protection	Government
41	Len Pajarito	Manila Water Company	Private Sector

Organization Type: Government, Private Sector, Foundation, Non-governmental organization, Union, Association, Think tank, Academia, Multilateral, International Financial Institution, Bilateral Agency