

SAFEGUARD POLICIES REVIEW – CONSULTATION MEETING

Washington, DC, Nov 15, 2012 [2:00-5:30 pm]

Replay of the meeting is available on www.worldbank.org/safeguardsconsultations

TRANSCRIPT

Note: This is a transcription of the consultation meeting which included both plenary and break-out sessions ([see agenda](#)). The breakout session covered discussion by participants on the emerging areas and views on what works, what doesn't, how to improve and how to support borrowers.

Meeting facilitated by: John Griffin.

PLENARY

[CYRIL MULLER]: Good afternoon.

I just learned something there, so I'm going to stay here at the corner, so that from one single view will have both the left- and right-hand side of the room. Let me first introduce myself. I'm Cyril Muller. I'm the Vice President for External Affairs at the World Bank, and I'm very pleased to be hosting with my colleagues this afternoon's meeting and consultation. I have with me Anne-Marie LeRoy, the World Bank Group's Senior Vice President and General Counsel, and we will jointly start with welcoming you and setting the stage.

First of all, I would like to welcome you and the people watching us on the Internet to this consultation meeting today. We'd also like to thank John Griffin, who has accepted to facilitate the meeting.

We have begun, and it's no surprise to anybody in this room, we've begun the process of updating our safeguard policies and to do so effectively, we want to hear your ideas on how to improve these critical policies that have been the cornerstone of our collective efforts to protect people and the environment.

The review process will include three phases over a two-year period and will engage stakeholders in three consultation periods. There will be many opportunities for stakeholders worldwide to be part of the review--and that throughout the process.

I want to also thank you for sharing with us suggestions for the agenda of this afternoon's meeting as well as for the paper that has been circulated ahead of the meeting. Copies are available today. And I hope you will see that the afternoon's agenda reflects actually many of the suggestions you made.

I want also like to remind everybody that since October 11, we have the Consultation Web site and that you are very welcome to join in those conversations.

So thank you very much for being here today, for taking the time to be with us. We share a deep commitment to evolving these critical policies, and I am certain, since you are keen observers of the World Bank, that you have heard our president, Jim Yong Kim, on this matter frequently. And this is a way for us, a key set, a key process to make our institution as effective as possible and these policies as effective as possible. We look forward to your engagement in this process. Thank you. Anne-Marie.

[ANNE-MARIE LEROY]: Thank you very much, Cyril. I would like to add just a few words.

We do look forward to your input, to a number of areas that we hope will help us draft an integrated safeguard policies framework.

We are keen to hear your views about what, in your experience, works well in the safeguards policies, what has been most challenging or ineffective, and how do you think these policies can be improved.

For example, how can we improve the coverage of social issues, adequate environmental and social assessment and risk management approaches in an environment which you all know is highly risky and highly complex? We'd also like to hear your views on how the Bank can best support developing countries to improve their own system, to strengthen their institutions with respect to environmental and social safeguards.

If we can all contribute to the process and share lessons and experiences, the end result will form a modernized, hopefully more effective generation of safeguards policies that will enable us to implement and to achieve--implement our projects and achieve results more effectively since we all share this view that the end beneficiaries of our projects are the people for whom these projects are designed, and this is with this goal in view that I welcome you here and that I'm happy to open the discussion.

Thank you.

[[JOHN]]: All right. Thank you. In the interest of time, I'm just confirming we're not going to do introduction of everyone. Is that correct?

Yes. So we're going to do the short intro version, then, instead. If all the females could stand up and just say hello, then we'll have a quick introduction. All females stand up quickly. Say hello! Everybody say hello to all the females!

PARTICIPANTS: Hello.

[JOHN]: Now quickly all the men stand up. Say hello! Say hello to all the men!

[JOHN]: All right. Thank you. I've never done that before, but that's the fastest intro I've ever done. So I'm just going to quickly go very high level over some of what we're looking to do here.

As you know, the World Bank is updating its safeguard policies and it's a two-year process, so this is a piece of that process. Throughout the review process, the Bank will seek your inputs. There'll be different chances for you to get those inputs, both from you all and a wider range of stakeholders, to come up and hopefully help shape the next generation of safeguard policies.

So this particular meeting is the first one in a set of consultations that will extend from now until February 2013, and during that time the Bank is going to be seeking the input to draft an integrated framework.

There'll be a lot of different opportunities for you to give inputs both in face-to-face meetings, e-conferences, online and e-mailing.

And how the input will be used? This particular meeting is video recorded and it will be posted along with a transcript, so people who aren't able to attend here will have a chance to partake in what was discussed. A summary of the inputs today will also be prepared and posted and circulated to the participants as well as those that are a part of the web cast.

There's a live webcast of what we're discussing right now going on. There'll be one point where we turn that off when we're going to go next door to do some smaller working group conversations, which will be less interesting for people to watch you all discussing amongst yourselves and writing things down. So we'll turn it off for that and then we'll turn it back on when we come back in here for the plenary. So this room will always serve as the plenary room.

While I'm thinking about it, just another small logistical one, the breakout room that we have is over here to my right, to your left, and if you haven't been in the Preston before, the bathrooms are to my left, to your right just as you walk out, should you need to go.

So April 2013, to get back to how the inputs will be used, a summary of the feedback received during the consultation process will be prepared and posted online, and a summary of all the feedback received along with the responses by the World Bank, the World Bank will consider, will also be released with a draft framework.

In terms of the agenda today--people picked one up when they walked in? Okay. So you have it in front of you. It's fairly straightforward. The long story somewhat simply is that there'll be opportunities for you all to give some inputs and some chance for you all to discuss things with each other.

The way that we're going to do that is basically in three stages. There's going to be a bit of presentation coming up shortly, which is just a framing of what are the safeguards, what's the situation right now, what's the process. A lot of this you're very familiar with but we'll still go about it because, as you can imagine, there's varying levels of awareness in the room in terms of where these currently stand and what the process is.

And then we'll have one part, which will be a stock-taking, and we'll do this in two stages. One is just to collect some data from everybody quickly, and we'll do that using a Post-it's fashion of just kind of getting a lot of data quickly. A subset of us will cluster that while you then are going into more detailed conversations on other topics, and then we'll come back in here and we'll go into a plenary discussion about that.

So there'll be opportunities both to get breadth of input from everybody as well as depth of conversations through the plenary and the smaller working groups. And that will cover both stock-taking of what's working, what doesn't work so well, as well as more focused conversations on some emerging areas of what's really kind of become critical today. And then we'll have a brief wrap-up and that's pretty much the day--okay?--or the afternoon.

If anybody has any questions along the way, you can come find me and I will try and help out or find out who can help out, and with that I'll just move right over to...

[MOTOKO AIZAWA]: Thank you, [JOHN].

Good afternoon everybody. It's great to see you. I'm very happy to see familiar faces. Welcome. Also welcome to those of you who are new to this topic.

I just want to acknowledge at the outset that we appreciated your statements, which came in yesterday. It's very obvious a lot of effort, brain power, and in-the-field experience all reflected in the statements. I read them with great interest, obviously, and we haven't had a chance to discuss the statements as a team, but I can say it's my personal impression that we share a lot of common views. So thank you very much.

I think that the nuance of what you put in the statement will come out throughout this afternoon, so I'm really, really looking forward to this discussion.

Before I move on to the obligatory PowerPoint presentation, I just want to quickly follow [JOHN]'s example and say the safeguard review and update team, please stand.

Thank you. And so we're available throughout the course of the afternoon to, if you just want to buttonhole us and ask specific questions. And if you have also any questions after my presentation, these people are available to answer questions.

So, with that, I'm just going to take you through several slides. They're totally the same as what's in the approach paper. I hope you have had a chance to at least take a look at the approach paper, so this is just a really quick refresher.

So, as you know, the review and update process will last for 24 months, so it's our intent to finish by the summer of 2014. What we would like to do is building on the core principles of the safeguard policies and to strengthen the effectiveness of the policies.

Our focus is on investment lending, and we hope to have a very broad, inclusive, and open consultation process in three phases, already mentioned by Cyril, and I'll come back to that.

So, why do this now? Why bother now? I think a lot of you know already that IEG's 2010 evaluation was quite specific about the need for the Bank to evolve its safeguard policies, so it made recommendations in terms of country systems, social issues, implementation, et cetera. So that really gave us a basis to move forward, among other things. But also the fact that our borrowers are very different today as opposed to when the safeguard policies were first put into place in the late 1980s, when countries did not have robust environmental laws, robust social development and protection laws. Today it's very different, at least when one thinks about the laws on the books. So we need to take that into account.

We also recognize that we have a vast knowledge today about the challenges in the global commons, in the regions, and in the countries. And these are going to be the next decade's development risks. We should be prepared to address those risks in our operations.

And the fact that the Bank operations are very different. Today, our lending is different. Our lending purpose is different. Our financing instruments are different. So we need to take these into account.

And finally, the fact that the private sector today is very important development partner of the Bank as well as with other development partners because we are doing PPPs and the infrastructure in other sectors, so we need to collaborate, and we also need to take into account they have come up with their sustainability framework, and that is the IFC performance standards, the Equator Principles, the OECD

common approaches, the European Development Finance Institutions declaration, and also the fact that a lot of multinationals benchmark their operations against the IFC performance standards.

We need to take that into account, and, if possible, create some kind of an intra-operability with that playing field that's out there.

So, what we want to achieve? I'm sorry, there's a lot in this screen because we do want to achieve a lot of things. But first and foremost, as I mentioned, we'd like to strengthen the effectiveness of the safeguard policies. And we want to get there really by having a very robust process of consultations so that we have a credible set of the next generation of safeguard policies, which then hopefully will give us the basis to create a common vision with our borrowers so that that could be then the basis of our renewed partnership with our country clients. I think that's very, very important and I wanted to mention that upfront. There are a lot of other things that we want to achieve.

Being prepared for the next decade's worth of environmental and social risks, achieving effectiveness, efficiency, and timeliness in our operations, and harmonization with other development partners. These are very important things to us. And we want to get there by proposing an integrated framework.

Now, what exactly is that? We don't say too much about that in the approach paper because we are still in the formative stages of our thinking, but taking cue of the recent innovation by others institutions, such as having an overarching policy statement above the safeguard policies, being clear about policies versus procedures, being clear about what constitutes guidance versus what is mandatory. These are things that we would like to also reflect in the integrated framework.

We also would like to increase coverage of the safeguard policies. So, as you know, we have proposed that we will consider seven emerging areas, and we're going to have a discussion on that this afternoon, so I'm not going to repeat what those seven areas are. And I also recognize that you wanted us to think about other additional areas, so we'll have a discussion around that this afternoon.

Okay, so this is just a quick diagram on the three phases of the review process. The details you can get in the Web site, but we're in the first phase. Each phase is going to have a public consultation window which opens and then closes so that we can take that input into consideration in our drafting efforts.

Right now what we're doing is to consult on the approach. In the second phase, we will consult on the first draft after our committee gives us the endorsement to go ahead and do so. In the third phase, we will consult on the second draft of the integrated framework with the Board approval at the very end of the process. Okay, so I sort of mentioned that the external consultation process is built into each phase,

and just as much as we're having a face-to-face discussion here, we're going to be discussing substance online through the online questionnaire, various e-events, in-country activities such as multi stakeholder meetings, such as discussions on the emerging issues, such as meetings specifically with affected communities. So I'm going to finish with this final slide. It's a little controversial, but I'm just going to go ahead and share with you, anyway, that this is a high risk and high opportunity/high reward activity.

So we've heard from you no dilution. We heard from the President no dilution. At the same time, we need to change. We need to actually modernize what we have. We need to have a user-friendly set of policies. So any change is necessarily going to involve word change, and so we're going to have a debate about whether the word change constitutes dilution or not. We are also likely to hear very different things from numerous different stakeholder groups, and so it's going to be very challenging for us to establish consensus from all those divergent views. Somebody said, "Why bother putting them as risks? It's a given." But if we manage these risks and if we are practical, if we keep our eye on implementation, if we have a balanced approach, there's also significant benefit and opportunity. We'd like to emphasize that this is a chance for us to enhance development outcomes, enhance country systems, and help us and help our borrowers manage environmental and social risks in their operations, and that the output could not only benefit us but a broad swath of development partners so that we can regain our leadership and for us to be able to put out a true global public good. So that's at the end of the process if we are successful. So, with that, I'm just going to flash the last slide, which just means that you're going to have various--oh, you don't, okay. So, in case you're not clear about the Web site. The information is available. Please do visit that. And with that, I think we're going to take clarification questions on what I have just said, and so I'm going to pass on to [JOHN].

[[JOHN]]: Yes. This is just a chance, if there are any inputs around something that you didn't understand content-wise in terms of what said, not in terms of actually making contributions. Yes?

QUESTION: I'm Nancy Donaldson, with the ILO. In addition to just standing up and asking the World Bank staff to be introduced, could you just tell us a few more sentences about which parts of the Bank are working on this and how they're working together for us to understand better?

[[JOHN]]: Do you want to take a few of these or do you want to answer them as they come? Other questions.

QUESTION: Anne Perrault, not representing any group today.

I'm just wondering if we'll have a few minutes before we break into groups. I'm sorry, I haven't been able to follow the e-mail exchange very much on the consultation talk about bigger picture issues that we might have. I'm just wondering. Thanks.

[[JOHN]]: So, just so that I'm clear: Bigger pictures issues on like the process or...not to get into the conversation but just to clarify a little bit.

QUESTION: So scope, the scope of the safeguard review, for example, instead of delving--before we delve into labor, indigenous peoples, cultural issues, that sort of thing.

[[JOHN]]: Looking at the broad--

QUESTION: Exactly, broader.

[[JOHN]]: Okay. Perfect, good. Go ahead.

QUESTION: Thank you. And thank you for the introduction. That was very useful. My question was on one of your early slides.

You said you are focusing on investment lending. Does that mean--at the same you also said that our lending these days is very different and there are many, many instruments that need to be taken into account. I just wanted to clarify, are you guys excluding development policy lending and all of the other lending activities from this discussion, because that's an important question for us.

QUESTION: Leo Crippa from the Indian Law Resource Center. Thank you, Motoko, for the introduction. Very general questions about the consultation process.

As you know, we provide assistance to indigenous communities, mainly in Mexico, Central and South America. I am indigenous from Argentina, and the question that I have is what are the plans for the Bank to consult with indigenous peoples in-country.

[[JOHN]]: Okay.

QUESTION: My question is along the same lines as the previous question. What are the plans for the consultation at the country and regional level? Thank you.

[[JOHN]]: Any other questions about clarification?

[MOTOKO AIZAWA]: Thank you for those questions.

Nancy, on your question, this is a joint venture between OPCS, SDN (Sustainable Development Network), Legal, and EXT. We are pulling resources from all over the Bank, however.

And Leo and this gentleman, your question about our consultation plans generally in-country and particularly with respect to indigenous peoples, we are planning a distinct set of activities around indigenous peoples that will include in-country consultations. Generally speaking, we are going to face, throughout the first, second and third phases, in-country consultations, and we are in the process of basically creating a huge matrix to prioritize countries, depending on countries' desires and our logistics, and we will announce the plans as they become firm. But we do have, obviously, very ambitious plans to visit countries. I'm going to pass on to Paul to handle the Investment Lending (IL) question.

[PAUL BERMINGHAM]: Well, we have three instruments: Investment lending, Program for Results, and Development Policy Lending (DPL).

Program for Results was introduced in January of this year, and then as a policy framework, which covers all the policy requirements that need to be followed when we do a Program for Results loan, and that includes safeguards. In fact, safeguards is probably the area that is most fully elaborated in that policy statement. And the proposal is not to look at that policy through this process here. There was a commitment made when it was introduced in January that we would review implementation experience at the end of two years, and so we're almost halfway through that, and we will see then what comes out of that. And should something come out of that that affects the review, well then we can take that into account. But as of now, it is separate track and it is not part of the scope of this review.

Let me just say in parenthesis that we made lots of commitments about how we would go about Program for Results to many in this room at that time, including that we would be going cautiously and I want to say we have been doing that. We've only had four loans approved in the first year so far, and the numbers are not out of line with the projections that we had shared when the instrument was approved and we're doing this in an environment of, I think, unprecedented transparency and sharing information about how it's going. We will have other forums in which we will be sharing the implementation progress with you on that.

Development Policy has its own policy statement, which articulates how environmental and social issues are addressed. It's different--very different--to what we do in investment lending. It again is subject to periodic reviews and discussions at our Board. These take into account safeguards and other issues as to what we call retrospective. The intention is that the next retrospective will look at safeguards put it's a separate process from this as well.

So that's a long way of answering the question through this sentence which is this process focuses on the investment lending safeguards.

QUESTION: Do you mind if I make a point. Anne Perrault again. I just think, I guess, it's important before we delve in here to be really clear about what is happening, and the idea here is that we could spend a couple of years of our lives and much far time and many resources and at the end of the day, given the current trend at the Bank to move money through programs or development policy loans, recurrent expenditures, the safeguard standards we're working on now under Program for Results won't follow the activities through a program to the ground, to activities on the ground.

And so at the end of the day when the 5 percent cap on PforR expires in a year and a half, it could be that we're spending our time doing this and the standards apply to an incredibly small slice of World Bank activities. And I just--we need to be clear about what we're doing and what we're spending our time on, and so the expectation is that through this process we'll be talking about what activities will the safeguards apply to. And if it's the same types of activities, the same kinds of projects that are funded through programs, then we need to be able to talk about how these standards will apply to programs. We understand there needs to be changes. We understand we need to figure out how to move money through country programs. The issue is are these safeguards sidelined when that happens or are they incorporated somehow into program lending, into borrower lending, into country system lending. That's what we're hoping this discussion is about. So we just need to know, that needs to be clear to all of us because we're about to invest a lot of time and resources into this process.

[MOTOKO AIZAWA]: Thanks. I actually agree that it's incredibly important for us to understand what investment lending funds and how safeguards are meant to apply to different kinds of lending within investment lending. So I'm also learning, myself, the complexity of that, and I think as we build common knowledge, we can continue to discuss your point, which is also repeated in your statement.

As for other scope, I think with safeguards in-out, I think we can discuss that during the course of the plenary and also as we discuss the emerging issues. So, with that, I'm going to turn this over to [JOHN] again. Thank you.

[[JOHN]]: Thanks. I'm not sure if this is going to work, but we have got some people on audio and I don't know if there's a way for them to check in if they had any clarifying questions.

QUESTION: Hello.

[[JOHN]]: Yes, go ahead.

QUESTION: Hello. Is this working?

[[JOHN]]: Yes, it is. Please introduce yourself and go ahead with your question.

QUESTION: This is Stephanie Fried with the Ulu Foundation, and I'm not sure if this is the right section for the question; so, if not, then we can do it at another point. But I have a question about the agenda for today. On Monday we were told that the agenda would include an open plenary session where it was sort of transparent, everyone would stand up and make their input and comment, we would all be able to hear what everybody else was saying, and that this would be recorded, and that it would be--a transcript would be provided, but also that a matrix would be developed, a summary matrix, but the matrix contains every point. So, in other words, it's not just another person's idea of what was said but it's really each point that was raised so that other people in other consultations could see this. So I guess a couple of questions.

There's some concern about the fact that we are now appearing to move in this new draft agenda that was circulated last night to closed writing sessions, where we'll just sit around a table and write, which we can all do at home, and then do this Post-it thing as opposed to being able to hear directly what other people are thinking. So there's a lot of concern about the way this is now being structured and that it's a move away from transparency, so--and also concern about the summarization process, how that would work. Thank you.

[[JOHN]]: All right. Excellent. Thanks. Both good points.

Basically the quick and simple answer is it's a both-end process. There will be 15 minutes where people write on sticky pads and that's it. Okay? That's the only part which won't include everybody saying what's written on their sticky pads, and the intent behind that is to try to get some breadth as well as depth of the conversation. So it's just a choice point to get a both-end happening.

We also extended the length by half an hour to incorporate that as well as to get an extra 15 minutes in the program in general. So the hope is that both things will be accomplished. And in terms of the documentation, the intent is as much of everything that's being said will get documented, there will intentionally be a person from the World Bank at each of the smaller discussions that we have on the emerging areas to make sure that anything that isn't written about that or presented to the larger plenary is at least listened to and heard by somebody in the Bank. So that's the intent. It's as perfect a process as we were hoping to get, and we'll see how it goes. If it's ineffective, we'll make changes for the next round and welcome your inputs at that point.

Anybody else that's on audio? And then we'll take one more here in the room, and then we need to kind of move on for timing purposes.

QUESTION: Quick question about the exclusion of two OPs that are going to be reviewed. I still could not understand why OP7.60, disputed areas are not included in the review. What is the justification behind it? We know that there was a revision that was conducted in March but we did not actually understand what--how consultation was made, and at the same time we still do not see how it actually addresses key problems within that policy, especially when it comes to the definition of "disputed."

[[JOHN]]: All right. Excellent. Thank you. So that question and then the other one which I don't think got answered was the one about indigenous consultations.

[CHARLES DI LEVA]: Just on OP7.60, which is the policy on disputed areas.

We had not heard that there was any issue with that being raised when we got the list of emerging issues from civil society earlier in time. Yesterday was the first time that I had seen that identified as an emerging issue, so we're interested in hearing your views on it. I think all the issues that are listed in the civil society paper are issues that we're going to entertain, so the answer is yes.

[[JOHN]]: Okay. So, are there any additional clarifications?

QUESTION: The safeguard review and the information that was provided so far don't address the role of the Inspection Panel. It is clear that the 2010 IEG Evaluation Report is going to be taken into account, but for most of us, it is important that the accountability mechanisms and the lessons that can be learned from that mechanism are taken seriously into account. We know that formally there is no explicit mandate for the Inspection Panel to participate, but I'm sure that management will benefit a lot in hearing not only from the Inspection Panel but from the project-affected communities. We have seen various critical issues being addressed in various reports affecting indigenous peoples in Honduras, Panama, DRC. And so, some clarifications about that will be very helpful at this point.

[MOTOKO AIZAWA]: Thanks, Leo. The quick answer is that lessons learned from the Inspection Panel cases, from the Inspection Panel's perspective as well as the Management perspective will be taken into account. We also have members from the Panel sitting here today, and we welcome their participation. But, for the review purpose, we are not reviewing the Inspection Panel or the resolutions. That's how it works.

[[JOHN]]: Okay, great, so with that, I want to double-check--this is working; right?

We're going to, in a moment, switch to having us all move over to the room next door. We will take a brief break from the Web feed, and we will have a chance to answer a couple of key questions which you all have, it's listed there in the agenda, but some of the things that people have already started to discuss: what work, what doesn't work, how to improve it, and how to support borrowers.

This is an initial just quick, fast, brainstorming, stock-taking, okay? And then we will move into conversations on the specific emerging areas. There will be a table set over there. There are, I think, seven initial tables, and then two other topics came in, so, there will be nine tables over there. So, when you go over, you can walk around and look around, and you will see the different table topics listed, and you could go and sit at the one that's the most interesting to you. There is one on climate change, there is one on gender, there are several different topics.

So, when we go over there in just five minute, you can go find the table that's the one you want to be sitting at. If you're with a group of colleague, decide how you want to manage that in terms of going to one, but it's basically many of you have been at lots of these type of events, it's an open-space type set-up. Go to the group you have most interest in, and that's the conversation we will be having 15 minutes after we do the quick stock-taking; okay?

Before we do that, in the intent of, one, slowing us down and getting us here and also opening up our creativity for the conversations that we'll be having for the rest of the afternoon, I will ask your patience and attention for just a quick four-minute video clip here. Hold on one second.

BREAKOUT SESSION

WHAT WORKS IN THE CURRENT SAFEGUARDS POLICIES?

Standards/Mandatory Guidance

- Current system has clear standards
- WB safeguards regime is seen as best practice internationally
- The fact that there are already a set of standards to build up from
- Collaboration between staff in borrower governments and at the Bank to come up with solutions for local problems (sometimes)
- Mandatory guidance and procedures in BPs
- Clear standards that are applied consistently to activities on the ground, regardless of the approach used to move money.
- Safeguarding people and the environment from possible harm.
- Role model in standards setting
- WB safeguards have helped to raise standards and expectations globally on the projection of people and environment.
- Applying mandatory safeguards to all types of lending and non-lending activities with third-party verification and adequate disclosure
- Current policies are principle-based which makes it easier to advocate specific issues and

safety protection norms.

Better Outcomes

- More responsible lending and sustainable outcomes
- Safeguards process seems to be effective when there are major environmental/displacement problems

Stand-Alone Resettlement and Indigenous Peoples Policies

- A stand-alone Indigenous Peoples Policy
- Having a stand-alone policy for Indigenous Peoples
- Indigenous Peoples policy sounds good on paper, but implementation is lagging mainly due to inadequate consultation with Indigenous Peoples, taking Indigenous Peoples views into account, monitoring of impacts and evaluation of results
- A stand-alone Resettlement Policy

Vulnerable Groups

- Clear language addressing social, economic inclusion related to needs and issues of vulnerable groups who are most affected by WB projects, including people with disabilities.
- Considering issues of vulnerable groups particularly people with disabilities as a cross-cutting component to be addressed in all safeguards review process, implementation and monitoring.
- Ensuring consultation approach pursued by the Bank for the safeguards review process to take into account accessible standards for enhancing effective engagement of persons with disabilities.
- Existing safeguards have ensured some rights of affected people to participate in decisions that affect their lives.

Respect for Critical Natural Habitats

- No-go restrictions on significant conversion of critical natural habitats, but need clearer definition of “critical natural habitats”.

Respect of National Sovereignty

- Respect of national sovereignty

Bank Openness

- Increasing openness at the top and among WB experts to working with other stakeholders and expert institutions
- Open to respond to issues
- Partnerships with key actors (civil society, private sector, government institutions, academia)
- Learning from past projects (do’s and don’t’s)

Inspection Panel

- The Inspection Panel
- The Inspection Panel can turn cases around
- Affected People’s participation/CSO engagement
- The existing safeguards provide some clear benchmarks to ensure minimum protection of affected communities; scoping paper speaks little of affected communities and shifts entirely to a focus on borrowers
- Partnerships with country-based civil society. There should be more!

World Bank Performance Standards

- We are pleased with the World Bank’s recent decision to apply IFC Performance Standards to all WBG private sector engagement whether through IFC or other Bank arms.

WHAT DOESN’T WORK?

Policy Gaps

- There are some important gaps in the safeguards policies, i.e. absence of Labor Standards
- Too many gaps in particular human and labor rights
- Addressing of the global commons, particularly open oceans (still just country based)

- Excluding vulnerable groups from the overall scope of safeguards; ignoring significant role people with disabilities could play in consultation process; limiting WB scope on disability to basic social protection issues.
- There is no requirement to address unique needs of children resulting in projects with detrimental impacts on children.
- Offsetting natural habitats
- Safeguard policies do not comply with international human rights law
- Offsets for critical habitats
- Existing safeguards do not protect natural habitats adequately
- Broader scope of safeguards (to include labor, gender, human rights, etc.) need to fall under jurisdiction of Inspection Panel with clear guidelines for how to submit grievances.
- Certain key areas not covered by current regime.

Limited Applicability to Lending Instruments

- Safeguard policies are not applied to all ILs, i.e. recurrent expenditures
- Safeguard policies do not apply to the diverse lending instruments
- Social assessment done by consultants without sufficient capacity
- Weak environment and social regulation on country level, local level
- Not enough implementation support

Governments – Lack of Capacity / M&E / Implementation Support

- Do not over-rely on self-monitoring + self-reporting (IFC over-relies on this and it does not work)
- Relying on self-reporting by clients (of safeguard implementation), i.e. IFC
- Understanding and application (and monitoring) of standards and safeguards in developing countries (by national administrations)
- Reporting mechanisms and monitoring!
- Monitoring of safeguard implementation. Counterpart agencies don't have needed capacity/desire/incentive to implement effectively & Bank not doing adequate due diligence
- Enforcement and implementation

Assess and Value Ecosystems

- IBRD/IDA safeguards do not adequately account for advances in techniques to assess and value ecosystem goods and services

Inconsistent Implementation Quality

- EIAs are not consistent in terms of scope or quality
- Negotiations on large development projects which don't consider a wide range of involved actors not just those that have \$ or power. Lack of implementation on accountability

Inconsistent Application

- Lack of guidance and maximum discretion on a project's area of influence
- Too much discretion is provided and the safeguards should provide clear benchmarks that affected communities can see have been met – like, i.e., requirement of consultation during environmental assessment
- When unclear and different standards are applied to activities on the ground with comparable risks
- Categorization of projects: staff incentives to lower risk assessments

Application Across Instruments

- OP 10.0: Investment Lending Reform is not an appropriate or acceptable framework for SG policy update
- The main concern among NGOs has been that the applicability of Bank safeguards has steadily narrowed as more loans have been made in categories, such as Policy Loans, where safeguards are not applied, or beneficiary country systems (that are far below international

best practice) are applied

- Anytime World Bank funding contributes to violations of international law. Whether or not the Bank is obligated to live up to a standard that states are, it should not be facilitating transgressions of international law
- Having different safeguards/policies for Investment loans, policy-based lending, lending for results, technical assistance. This leads to avoidance and other evasive behavior
- Diverse lending instruments led to different standards for the same actions
- Excluding large parts of WB-supported activities from safeguards, for example DPLs as they often relate to forest, mining and other sensitive sectors.
- Loopholes that elbow DPLs, P4R, Country Systems, and other types of Bank operations not to be covered by the safeguards
- TL ILR + PPP approaches approved by Board do NOT work as models for safeguards update: Terrible consultation process, Downgrade binding, inspectable requirements to non-binding, not inspectable guidance, later public availability of EA.

Unclear Definitions

- Clear objectives
- No text that clearly offers a succinct definition of Category A
- 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 context the idea applies but the title is problematic, in other the title is applicable but the idea is less necessary (well-integrated, holds delineated power)

Staff Don't Implement Policies / Lack Incentives

- No clear application of prior reviews and recommendations
- No incentives (few) to effective safeguard use as they ‘slow’ disbursement
- Staff incentives to implement safeguards
- World Bank program leaders/staff who represent interest in action and collaboration who actually use their engagement to reduce concrete results and actual collaboration

More Participation by Indigenous Peoples

- Broad community support doesn't work. Replace with FPIC
- Take into account Indigenous Peoples right to determine their own development needs/priorities
- Organize meetings, workshops 2-3 hours, etc. and call it consultation
- Thinking that FPIC is just one event at one time during the project cycle
- Skipping the social and political structure for decisionmaking of Indigenous Peoples
- Broad community support does not work and must be replaced with FPIC
- Broad community support does not work!!!
- No recognition of the right to free, prior and informed consent for Indigenous Peoples

Benefit Sharing / Livelihood Improvements / Compensation for Displaced People

- Doesn't work and does not exist, investment in recovery and livelihood improvements. Can Bank policy require this?
- Benefit sharing. Are those displaced entitled to a share of benefits possible through their land and displacement? Can Bank policy recommend this?
- Compensation isn't sufficient to assure recovery? NO

Risks to Affected People

- Marine ecosystems deserve special assessment and special protective safeguards, like forest ecosystems
- Indigenous Peoples policy, free, prior and informed consultation framework
- Indigenous Peoples social assessment mechanism (does not account for self-govt/self-

determination)

- Resettlement policy (does not expressly prohibit involuntary resettlement/forced assimilation)
- Present lack of consultation with Indigenous Peoples
- Bank's failure to focus on risks to affected people after assessment and during implementation (displaced/affected)
- Environmental Assessment lacks social assessment

No Dispute Mechanism for Affected People

- Dispute mechanisms. There is no redress for PAPs.

Human Rights

- Using social assessments instead of human rights impact assessments
- Not providing Indigenous Peoples the opportunity to meet their development needs
- Ignoring Indigenous Peoples rights of self-determination and self-government
- 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. The Bank should itself undertake, and require borrowers to undertake, this due diligence. An element of this would be undertaking human rights impact assessments and identify adverse human rights impacts and prevent against them.

Disclosure

- Information disclosure (including timely manner)

People Excluded from Process

- Groups of people are being excluded from development process, i.e. persons with disabilities
- Process is complicated; information does not reach impacted communities; process is not always transparent.

Consultations

- A lack of proper and 'meaningful' consultation
- Consultation and broad community support
- Early stage citizen participation
- Miscommunication; criticizing a proposed idea/plan
- Confusion due to wildly different consultation vs. consent standards among MDBs

Uneven Evaluation of Country Systems

- Evaluating country systems on the basis of laws is not enough. It must be evaluated on implementation
- Lack of binding requirements on the land, territory and resource rights of Indigenous Peoples
- No formal recognition of customary tenure
- Rights of Indigenous Peoples, local people on land, resources

Aligning Government Policies

- Decisions that contradict national laws or regulations
- FPIC without good dialogue processes and information
- Larger government policies need transformation for engagement into WB development goals
- Disburse not expenditures but results
- More interactive platform for sharing information with civil society on the ground

Climate Change

- No clear guidelines as to how climate change is assessed. Is there an assessment?
- No assessment of climate change impact of WBG's non-energy portfolio. Not enough assessment of energy portfolio
- Climate adaptation and mainstreaming

WB/IFC Performance Standards as model?

- While there are important lessons to learn from IFC, the model (as a whole) does not work

for ensuring robust social and environmental protection.

HOW TO IMPROVE THE SAFEGUARD POLICIES?

Scope of Review

- Safeguards should cover all WB lending and grants, including P4Rs and DPLs.
- Scope of safeguard application needs to be extended to DPLs.
- Expanding the scope of safeguard application to all lending and non-lending activities.
- Broaden the safeguards to include other important potential impacts of WB projects. Put in place some more expeditious procedures than the Inspection Panel, but retaining the latter.
- What is the empirical basis of updating the policies? Can the Bank do a portfolio analysis of resettlement?
- Safeguards policies and procedures apply to all Bank operations.
- EA policy strengthened to categorize and assess all types of Bank operations.
- Safeguards expanded to fill gaps and emerging issues identified by CSOs.
- Upward harmonization and any other strengthening to prevent harm.
- The integrated safeguards framework needs to cover all WBG lending protocols, otherwise it does not deserve to be called “integrated”.
- Go beyond “do no harm” to “net positive impact”
- Improve thematic coverage
- Link the dots – bring a more coherent framework
- Embrace existing tools/experiences from other agencies that work and avoid reinventing the wheel.

Implementation

- Develop comprehensive supporting materials and guidance note
- Ensure application of clear standards to all Bank activities – provides consistency and clarity for borrowers – sets example for all lenders.
- Integrated Framework includes mandatory procedures (or binding guidance).
- Better implementation
- Strengthen, broaden, and apply throughout operations.
- Give priority to making sure policies are implemented, with clear requirements and incentives to implement.
- Build more ways to work together (e.g., working groups) to build relationships, respect and fresh solutions.
- Make sure policy is implemented
- 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)
- More safeguards experts who also can influence poorly designed projects/safeguards and not get sidelined.
- Ensure that the Indigenous Peoples policy remains a stand-alone Indigenous Peoples policy
- Broad community support does not work. Free, prior and informed consent is preferred.
- Reform Indigenous People’s Policy in light of UN Declaration and other international standards.
- Strengthen Indigenous People’s policy from foundation of self-determination and self-government.
- Recognize that Indigenous rights are NOT subsidiary or secondary to rights of countries.
- Ensure collective and pre-existing rights to land, territories, and natural resources are reflected in policy.
- Shift focus more toward monitoring, supervision. Put more people on the ground at project sites.

- Require Indigenous Peoples' free, prior, and informed consent for any activities substantially affected their lands, territories or resources, or affecting their human rights.
- Provide incentive and mechanisms within the Bank to introduce and keep environmental policies in operations/lending

Supervision

- Resources for supervision and capacity building.
- Need to have project site visits more often to ensure that project affected communities have information about SAs (social assessments?) so they can monitor and know who to contact if problems exist.

Capacity for Implementation

- Modernize standards using new information and best practices. Expand scope to all lending.
- Significant expansion of support for capacity building in national environment ministries.
- Build capacity at all levels to effectively implement measures

Transparency

- Greater Transparency

Simplification

- Make it so that any person with a basic undergraduate degree in language arts can decipher how to use safeguards

National Systems

- Reconcile safeguards with national systems.
- More skepticism about how well borrowing countries will behave when it comes to ensuring that PAPs will be treated fairly and according to any law, particularly around resettlement and compensation.

Indigenous People

- Require Indigenous Peoples' free, prior and informed consent for any activities substantially affecting their lands, territories or resources, or affecting their human rights.
- Safeguard policies for Indigenous People in line with UNDRIP and other applicable standards, especially with regard to free, prior and informed consent.
- FPIC should be "consent", not consultation leading to broad community support.
- Shift focus more toward monitoring, supervision.
- Ensure Indigenous Peoples policy remains a stand-alone policy.
- Broad community support does not work. Free, prior, and informed consent is preferred.
- Reform Indigenous Peoples policy in light of the UN Declaration and other international standards.
- Strengthen Indigenous Peoples Policy from foundation of self-determination and self-government.
- Recognize that Indigenous rights are NOT subsidiary or secondary to rights of countries.
- Ensure collective and pre-existing rights to land, territories, and natural resources are reflected in Policy.
- Require not just a social assessment when contemplating IPP, but a legal, economic, political and technical assessment as well.
- Ensure that consultations with Indigenous Peoples be conducted in indigenous languages at the grassroots level.
- Use the Declaration on the Rights of Indigenous Peoples' as a guiding instrument.
- Include this process in the planning at the World Conference on Indigenous Peoples.
- Broad community support must be replaced with FREE, PRIOR AND INFORMED CONSENT.
- Recognition of Indigenous Peoples' self-determination and self-government.

Resettlement

- Rather than just making sure resettlement does no harm, it should be treated as a project

itself to improve standard of living in communities and to improve access to health services, transport and education.

- Is risk analysis done in every resettlement plan? Which risks are analyzed?
- What is the Bank policy objective in resettlement? Does definition need improvement?
- Conduct another review of the implementation of the Involuntary Resettlement policy.
- What is the economic analysis required by the Bank for displacement and resettlement?
- **Avoiding or minimizing involuntary resettlement.** Involuntary resettlement should only occur in exceptional circumstances, in accordance with international law requirements.
- “Exceptional Circumstances” is defined in the UN Basic Principles on Development-Based Evictions (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....”
- General welfare justification must be clearly demonstrated, including through distributional cost-benefit analysis.
- Mechanism Established for people to challenge decision to proceed with the project.
- Required 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 responds to people’s development priorities.
- No resettlement of Indigenous People without their Free, Prior, and Informed Consent.
- **Displacement and Resettlement Risk and Impact Assessment** must be conducted PRIOR to project approval. Assessment should be conducted with full participation of affected people. Assessment should cover all assets, resources and opportunities that may be lost as a result of displacement.
- **Adequate housing guaranteed after resettlement.** It should be a policy objective, backed up by concrete policy requirements and implementation support, for all displaced people to enjoy their right to adequate housing following resettlement.
- 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. “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 General Comment 4).
- In no cases should access to education or healthcare be reduced after resettlement.
- **From Compensation to Participatory Development and Benefit Sharing**
It is unacceptable for World Bank supported projects to only aim to restore displaced people to their pre-project poverty levels. The objective should be to improve the living standards and level of income of the displaced above their pre-project levels. Resettlement policies must contain strong requirements to ensure that displaced people truly share in project benefits through investments in their development, above and in addition to compensation for losses, based on people’s own development priorities. Loss of income during transition period until income is restored should be addressed through social safety nets. Note that ADB Safeguard Policy Statement (2009) calls for compensation for loss of income, in addition to livelihood restoration support.
- **Resettlement as a Stand-Alone Project Not an Afterthought.** This should be a requirement for all Category A projects with resettlement impacts. This is the only way to ensure that there is proper economic analysis, sufficient financing and better implementation, monitoring and evaluation.

- **Adequate Budget and Financing for Resettlement based on Sound Economic Analysis.** There can be no adequate resettlement without an adequate resettlement budget. The budget must be based on resettlement risks and impact assessment and sound economic analysis conducted by Bank project economist (this rarely happens now).
- **Resettlement Monitoring and Evaluation.** Outcome indicators tied to objectives and linked to baseline surveys and impact assessment should form the basis of monitoring and evaluation. Independent evaluations conducted on resettlement outcomes, reported in Project Completion Reports. Panels of Experts for complicated Category A projects.
- **Right to an Effective Remedy.** Without an enforceable right to remedy, there is no real accountability and the World Bank. New policy must 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.

Social Issues/Inclusion

- Acknowledge Bank's inadvertent role in creating and increasing poverty, and resolve to strengthen and expand safeguards to prevent this.
- Engage all of the stakeholders of a specific project. WB 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.
- Tap into existing organizations, groups working with communities to ensure information is distributed out. Work directly with representative institutions as authorities of expressing their needs and human rights; ensure stronger representation of women.
- Establishing wider array of partnership with DPOs; pursuing a clear universal standard on accessibility throughout all lending investment operations as well as policy and country services; creating clear indicators on inclusive development for compliance of borrowers.
- Safeguards should mandate no child labor in Bank projects with accompanying measures to remediate 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.
- Need a non-discrimination policy which prevents against 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.
- Need to have a policy safeguarding rights of persons with disabilities and ensuring they benefit from development interventions. Should work closer with HDN for safeguards.
- Strengthen social safeguards

Consultation

- Engagement with vulnerable, voiceless groups, groups that are displaced from their territories. Mechanisms for engagement taking into consideration lack of access to computers (cell phone?).
- Enhance consultation with partners at country/local levels.

Human Rights

- Adopt safeguard policies aligned with international human rights obligations.
- Undertake and require borrowers to undertake human rights due diligence for all its 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.

International Law

- Reflect explicitly international law obligations, including international environmental law and human rights obligations in the new standards.
- Best practice-based projects international law.
- Incorporate international legal standards in policy texts where relevant.

Natural Resources/Habitats

- Prohibit financing of industrial harvesting in intact forests.
- Conduct a review of existing definitions of critical natural habitat from development bank safeguards, assess areas of consistency, inconsistency; develop a globally consistent definition.
- Define “critical natural habitat” to include ecosystems that provide critical ecosystem services e.g., freshwater climate mitigation and adaptation, wild food sources.
- Safeguards that preclude operations in critical habitats unless the operation has a positive conservation benefit.
- Valuation of natural capital and ecosystem services at assessment phase (with economic and social assessments).
- Integration of provision of specific threats (e.g. invasive species) and specific ecosystems (coastal, high seas).

Assessments

- OP 4.01 should encompass S/E risk assessment and management for all Bank financial instruments (DPL, P4R, UCS, FIs) to ensure effective outcomes
- SEA in every project

Miscellaneous

- Lay out a clear vision, clear communication, updates and continuous feedback through each phase, reevaluate over a time span, feedback from those receiving aid/assistance.
- Sectoral lessons and recommendations EIR, ECD, learning review of OP 4.10.
- Develop a good energy strategy, one that gets a way from fossil fuels.
- Make the Private sector more accountable
- Define key terms in the safeguards, such as poverty, household, etc.
- Expand definition of full-costing and pricing of all externalities
- Screening process of policy proposals should take into consideration areas raised by stakeholders that are currently not addressed.
- Associated facilities (project area of influence) must be expanded to facilities necessary for a project to function
- Should have clear, detailed template for EIA consultants.

HOW TO SUPPORT BORROWERS?

Clear Standards

- Provide clear rules and procedures in the safeguards that borrowers must follow, accompanied by guidance notes to help them implement them.
- Provide clear standards consistent with borrowers’ international human rights obligations.
- Set clear standards of minimum environmental and social standards that borrowers cannot deviate from.
- Provide clear standards. Consistency to ensure level playing field – provide resources to support capacity building to implement standards.
- Create a globally class-leading safeguards framework in WBG, that can set an example other institutions and countries themselves

Capacity Building / Compliance Building

- Expand indigenous civil society to increase capacity of affected individuals to engage into safeguard processes.
- More capacity building for implementing agencies on importance of safeguards and how to implement effectively.
- Build institutional capacity. Most countries have (in their constitutions, PFIC, but in terms of how to operationalize (norms, regulations, etc) represents the main bottleneck.
- Provide technical assistance in areas of concern, create learning streams for borrowers which educates them so that they can borrower responsibly for communities and for environment.
- Clarify the roles of countries and Bank within any operation.
- Build local/national capacity for policy implementation. Do so by focusing on the long run.
- Help countries conduct prior informed consultation before starting projects, build that into loan package.
- Increase capacity through training and programmatic support to protect children from indirect harm as a result of development projects (i.e., increase in child prostitution and trafficking around large infrastructure and extractive projects).
- Help build capacity on key issues, reward good performance on key safeguards issues, and promote legislative reform domestically.
- Address technology and economic and environmental impact

Accountability for Public and Private Sequencing

- The Bank safeguard policies should provide more accountable standards for the proper sequencing of public and private investments to ensure best outcomes. Strict institutional assessment should indicate the extent of public sector strengthening required prior to private sector investment.

Assessments

- Provide diverse (in scope and sector) good examples of ESIA for those borrowers not working with large budgets for consultants or that do not have long history of multilateral lending.
- **Climate variability assessments** — IEG 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.
- **Environmental flows assessments** — Increasing storage capacity and constructing cascade dams to regulate river flow both offset climate risk to the developer, but they aggravate tensions with downstream impacts., 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.
- **Cumulative impact assessments** — 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.

Dams

- **Integrated Resource Management:** 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. We consider that, 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.

- **Consultation on Dams:** Consultation of affected populations must be based on the results of these studies.

Country Ownership/Country Systems

- Getting borrowers more involved
- Promote country ownership and strengthen country systems
- Clarify the roadmap for strengthening and using country systems, with transparent, accountable, predictable and common benchmarks and greater support (\$)
- Better ways to achieve a balanced approach
- By reaching out, incentives, communication, transparency, reflection on borrowers' ideas

Harmonization

- Promoting – committing to policy coherence and coordination with other multilateral institutions working with the borrowers on the same issues.

Public Purpose

- Improve definition and dialogue on public purpose

International Law Obligations

- Assist borrowers to adopt, implement and enforce UNDRIP and other international conventions.
- Help them to realize their international law obligations
- Endorse human rights based approach to development
- Use legal language in policies, do not avoid human rights terms
- Make clear the Bank's role under international law as distinct/similar/identical to particular borrowers

Human Rights

- Help borrowers attain their commitments in key social areas, including human rights.
- More effectively anticipate and prevent human rights violators
- Support borrowers in complying with their own international human rights obligations and domestic laws on rights.

Disability

- Securing sufficient funds on the basis of socio-economic inclusion for people with disabilities throughout overall lending investment operations.
- Ensuring effective monitoring process to oversee and evaluate borrowers improvement on implementation of inclusive development policies.
- Creating wide array of incentives for borrowers to ensure commitment to disability rights and inclusive development.

Protecting Affected Communities

- Question should be how to protect affected communities from environmental and social harm, not just how to support borrowers.
- Provide social and legislative support for borrowers to overcome possible political hardships.

Independent Monitoring and Evaluation

- Enshrine and separately fund routine independent M&E of resettlement and compensation for resettlement.

Transparency

- Apply transparency mandates to provide borrowers with all relevant information prior to

decision-making process.

- Increase transparency and accountability and promoting civil society participation in development decisionmaking.

Natural Habitats

- Clearer definition of “critical natural habitat” and simple, systematic process for identifying it using existing data, tools and examples (e.g., IBAT for business) Integrated Biodiversity Assessment Tool

Resources

- Provide more resources for safeguard implementation (e.g., EIAs, resettlement).
- Provide resources for safeguard development and implementation
- Provide more grants, not loans, to support health, education, job training, child care, post-conflict reconstruction, etc.
- Invest in dialogue, education

EMERGING AREAS (+Additional Topics Participants Asked to Discuss)

CLIMATE CHANGE

- How to determine positive outcomes?
- There has to be much better follow-up.
- Institution has to have monitoring systems to follow-up and obtain transparency.
- Use assessment procedures to determine value of ecosystems services, but much broader than that; more than “value” them, it points to identifying these ecosystems.
- “safeguarding” based on critical value.
- IFC’s performance standards were discussed, with no consensus.
- Climate finance must address drivers of deforestation, no matter how politically powerful.
- Palm oil, paper and pulp.
- ~~Does the IFC’s approach overall represent a dilution?~~
- IFC is moving toward self-reporting, self-monitoring and self-evaluation, which is an unacceptable model.
- Land tenure and PFIC as consent are critical in a climate change context.
- Current policy lacks exclusion list.
- Fossil fuel financing.
- The Bank must be consistent with local/national mitigation plans + projects and programs.
- Climate change really does go beyond the energy portfolio.
- Push assessment/risk issues upstream... how?
 - beyond identification to approval stage.
- What will be the [fixed] benchmarks during project execution?
- Deliver sustainable development outcomes.
- There is no explicit mandate in the policy itself.

What does the WB need to hear about climate change?

- Language on dam safety.
- Submit [incorporate] all comments from CSO paper.
- Ask for reactions from safeguards team.
- Climate change is currently placed squarely in assessment.
- Marine ecosystems... where are they? The Bank needs to hear about them.
- Have “follow the money” approach.

- Impact on communities.
- Assessment = consulting with local communities?

LABOR AND OCCUPATIONAL HEALTH AND SAFETY

- Child labor: no protections for children in current safeguards, only mentioned in involuntary resettlement.
- WB projects employ child labor – Uzbek Agri loan (fall 2012).
- The argument that there is no need for a child labor SG is not valid because child labor does exist in some WB projects.
- WB + ILO can leverage each other.
- EHS guidelines exist but are not binding, nor actionable.
 - Ex: education was not considered in a recent inspection panel case (Bujagali, Uganda) because child’s rights are not protected in a SG.
- Other issues:
- Myanmar asked for help with Democratic reforms.
- Myanmar is working with ILO to address forced labor issues, freedom of association, etc.
- ILO provided technical assistance so the US would lift sanctions.
- More coherence in country level between ILO, WB, Labor movement.
- Labor SG could protect against issues such as investments in Myanmar until forced labor is banned.
 - Example: IFC investment in Belarus, special monitoring mechanisms were put in place. WB could do similar in Myanmar.
- Inconsistency between branches of WBG.
- MIGA + IFC have good standards.
- 2010 IEG report.
- IFC standards -> WB SG would be efficient.
- Countries are members of ILO. Enforcement mechanism exists at ILO. These are not new ideas to member countries.
- Policy coherence for borrower countries.
- ILO has experience + advice to share. Institutions could work together. Coordination.
- Major gap: lack of labor SG.
- Conform to basic ILO standards.
- Workers’ right to info.
- IFC did good job on PS 2.
 - Core labor standards.
 - Grievance procedures.
- Problems with implementation.
- Relying on self-reporting is problematic.
- SG approach is better.
- Inspection Panel might not be most useful.
- HIV/AIDS language included in WB Standard Bidding rules, but NOT in IFC PS 2. ILO has adopted a standard on HIV/AIDS in the work place.
- Filing Inspection Panel case is a lengthy and costly process. For minor labor violations, there could be an intermediary step like at IFC. Web-based complaint platform.
- Freedom of association would be applied differently by governments than by companies.
- ILO has shared project with IFC to monitor and report in apparel industry.
- If there are problems, there is a remediation step to address labor issues.
- Occupational safety. IFC PS 2 mentions it.

- Universal standards. Common interest for workers and companies.
- Resource. ITUC's report on labor in WB lending
- WB could invest in Myanmar because government prohibits child labor. However, local villages employ child labor. People might not feel comfortable raising issues to the government. There must be WB complaint mechanisms functioning.
- ILO works with countries to give technical assistance and create frameworks. How can WB work with ILO to leverage both organizations' strengths?
- IFC's Performance Standard is widely accepted as well written and effective.

GENDER

- What would you change?
- Women's rights as human rights.
- Goes beyond development models
 - Broader human rights framework
 - Holistic approach beyond social to include: economic, cultural, political, environmental.
- Safeguards need to ensure mechanisms to provide full and effective participation throughout the project cycle
- To align to existing human rights frameworks (CEDAW, ILO, etc. others)
- Frameworks that take into consideration the particular needs and rights as it pertains to race, ethnicity, class, religion, and personal status.
- Need for accountability mechanisms for gender discrimination.
- Comprehensive mechanisms to monitor and evaluate impact through baseline data disaggregated by gender, race, etc. to better understand the impact of economic development.

HUMAN RIGHTS

- Ensuring that project teams are formed in a way that takes into consideration the cultural and social realities of the project-affected communities.
- Robust alternatives must be discussed with project-affected communities.
- When HR assessment shows risk, there should be a trigger to send project discussion back to drawing board to discuss alternatives including the NO project alternative.
- Bank should 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.
- None of the above should be included as "principles" or "guidance" but rather clear, applicable policy.
- HR due diligence (Bank AND Borrower).
- ID and address potential adverse HR impacts of All Bank activities.
- Helping strengthen borrower's internal institutions with respect to HR.
- Include HR impact assessment in environmental and social assessment.
- Including the prevention of forced eviction in impact assessment stage.
- Introduce a non-discrimination policy to prevent against discrimination on the grounds of race, gender, ethnicity, sexual orientation, etc.
- Ensuring that development explicitly reaches and benefits the most marginalized populations including persons with disabilities. Endorse the human rights-based approach to development.
- Ensuring SGs are specific enough such that grievance mechanism/remedies are as effective as possible.

- Bank SG team should work closer with HDN.
- Enhancing existing OPs to bring them up to standard with international HR law.
- Use term “prevent forced evictions’ in involuntary resettlement OP.

FREE, PRIOR AND INFORMED CONSENT OF INDIGENOUS PEOPLES

- Clarity that FPIC means right to say no
- Symptom of lack of observation of Indigenous Peoples rights in individual countries.
- Consent should include full property right including natural resources and other resources.
- Should include all Bank instruments, not only investment.
- Robust, reviewable implementation with Indigenous Peoples’ involvement at high levels in the Bank.
- “Broad community support” is an un-implementable standard, must be FPIC.
- Cant’ separate FPIC from other project evaluation and screening activities, such as EIAs, determination of area of impact.
- Regularization of communal territorial right related to WBG operations, in time frames that are acceptable re relevant Indigenous Peoples.
- Create capacity for ongoing enforcement of EPIC agreement.
- Can’t separate FPIC from other project evaluation and screening activities, such as EIAs and determination of area of influence.

LAND TENURE

- Renewables in energy portfolio + phase out of fossil fuels.
- Equitable benefits sharing of wealth creation bases on public investment.
- Mainstreaming adaptation, climate resilience, “climate smart” in investments, particularly infrastructure.
- Better application to financial intermediaries.
- Dedicated consultation with indigenous peoples on land and resources.
- Build national and local implementation capacity.
- Beyond “do no harm”, positive impact.
- Managing global commons (high seas).
- Require safeguards in policy lending (DPLs).
- Monitoring impacts, baselines.
- Be a good role model!
- Tools for urban planning.
- Expressly prohibit involuntary resettlements.
- Meaningful consultation.
- Don’t delink policy + safeguards; projects must occur within a problematic approach.
- Safeguards are not part of task managers’ performance assessment. Mainstreaming safeguards in operations.
- Participatory mapping in natural habitats assessment.
- Require respect for Indigenous Peoples rights to lands, territories and resources.
- Full ownership and control consistent with the UN Declaration.
- Assess valuation against natural capital, environmental, social, economic and political.
- Customary tenure.
- Understand “public purpose”.

SCOPE AND IMPLEMENTATION

- Safeguards are critical to achieving the Bank's goal of poverty eradication.
1. Explicitly address findings and recommendations of EIR, WCD + Learning Review of OP.4.10 + Justice for forests report.
 2. These safeguards must be used to address risk + impacts of all WB activities (lending + non-lending).
 - a. Environmental Assessment should explicitly be designed to assess risk (environmental and social) and categorize all lending instruments + provide risk assessment process for each.
 - b. Standards must be applied consistently to activities with comparable risks – regardless of approaches to lending.
 3. Safeguards must be mandatory, detailed + fall within the jurisdiction of the Inspection Panel.
 4. Change staff incentive system, incentives should be aligned to effective development outcomes and good social and environmental results over the longer term.
 5. What are the types of activities funded through different approaches to lending? And their associated risks + impacts need consistent application of standards developed through review.
 6. Must other lending instruments incorporate the outcome of this review? Or can this review provide instruction to them on how they need to reform? How to achieve consistency?
 7. Do we have public transparency related to all activities on the ground – through all approaches to lending?
 8. Effective post-approval monitoring + evaluation systems must be put in place.
 9. Create public records of project-level + aggregated data on involuntary resettlement.
 10. "The costs of implementing safeguards are far less than the benefits" (IEG). How can the Ban better demonstrate this??
 11. Provision of adequate support (financial and otherwise) is crucial to borrower acceptance.

RESUME PLENARY

[[JOHN]]: So, what we want to do now is we have--we had nine--there's seven listed there, but there are two additional ones, so we have nine emerging area conversations that were just happening that you were participating in, and we would like it get a quick two- to three-minute--I know that doesn't really do any of these conversations justice, but just a quick report out of the main things you discussed. If you have three or four sheets of flip chart paper, will not be able to go through all of them in detail in two or three minutes, just so you know, okay? Cover the main points, the more time that we can gain, the more you can actually have a conversation about some of this. So, who wants to go first, and the earlier people probably have more time. Who wants to report first of the nine groups? Gender will start. Very good.

[GENDER GROUP] SPEAKER: My name is Amanda Klasing, and I'm with the Woman's Rights Division at Human Rights Watch. So, in the gender breakout group, we discussed how important it is to have a human rights framework that guides this process, and within that human rights framework that we rely on the women's rights frameworks that exist such as CIDA, ILO, and other frameworks that already exist.

We also were very concerned that there is a holistic approach so that safeguards, when they're ensuring participation, effective participation, of women that it takes into account both the beginning of the process, the full project cycle, all the way through evaluation.

And when we think about participation, women's participation, full and effective participation requires that we take into account the needs and rights of women but of women that may suffer multiple forms of discrimination. So, looking at issues related to race, ethnicity, class, religion, and personal status, and I think personal status is a really important issue because it's often left off the table. So, thinking about how to involve female head of household, how to involve divorced women, women in polygamous marriages and women that may not be captured under other umbrellas.

We're also very concerned about ensuring that there is an accountability mechanism for gender discrimination so that when there are problems with discrimination there's actually recourse for these women.

And there are comprehensive mechanisms to monitor and evaluate impact.

So, in order to understand whether or not there is a negative impact on gender, there has to be baseline data. So, in the assessment phase, in the project development phase, that we actually look at certain issues related to gender: gender discrimination in the home, gender-based violence, levels of sex for food or other types of survival, sex or prostitution that may increase their project cycle, so that when there is monitoring at the end and to see whether there has been a negative impact on women and girls, we have a starting point to look at.

And--well, I guess that gets us to the end. I hope that was just two minutes.

[Applause.]

[[JOHN]]: Thank you. Very good. Any quick reactions or comments? Additions? Okay. If not, the intent is we're going to go through all the reports, and then we're going to talk briefly on this and then we can open it to a broader conversation.

So, next group. All right. Human rights, next.

[HUMAN RIGHTS GROUP] SPEAKER: I'm going to basically read out. So, probably won't be as elegant or eloquent as that was, but basically we were laying out because this was just a brainstorming session of what are the different areas and not to go into detail, but to ensure that there is human rights due diligence from the Bank's end and the borrower's end;

Identify and address potential adverse human rights impact of all Bank activities, not just investment lending;

Helping strengthen borrower's internal institutions with respect to human rights;

Include human rights impact assessment in the environmental and social assessment;

Including the prevention of forced eviction and the impact assessment stage;

Introduce a non-discrimination policy to prevent against discrimination on the grounds of race, gender, ethnicity, sexual orientation, et cetera;

Ensuring that development explicitly reaches and benefits the most marginalized populations, including persons with disabilities;

Endorse the human rights-based approach to development;

Ensuring that safeguards are specific so that a grievance mechanism and remedies are as effective as possible, looking at remedies as a human right;

Noting that 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;

And making sure to use the term "preventing forced evictions" in the involuntary resettlement operational policy;

Ensuring that project teams are informed in a way that take into consideration the cultural and social realities of the project-affected communities so that human rights would be more likely to be addressed and mitigated if there are risks;

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 Bank should assess the extent to which a community has freedom to express dissent and in cases of the lack of freedom of expression, the Bank cannot adequately ensure proper consultation and participation.

And to note that none of the above should be included as principles or guidance or guide notes or guidelines but rather they be clear applicable policy. Thank you.

[Applause.]

[[JOHN]]: Great, excellent. Thank you. Any comments, questions on that? Nope? Good. I'm going to have a brief pause. I have a feeling there is no comments for most of these. Go ahead. Do you want to go? You could identify your group again.

[SCOPE AND IMPLEMENTATION GROUP] SPEAKER: We're not on this list. We created our own group.

So, we discussed scope and implementation of this review and of safeguards in general, so we had a really good discussion at our table. I tried to summarize the main points we touched upon.

We did think that this review explicitly needs to address the findings and recommendations of some important reviews that have already taken place such as the Extractive Industries Review, the World Commission on Dams, the learning review of the OP 4.1, and also the Justice for Forest Reports that came out this year. So, there's a lot of lessons that have already been generated that need to be taken into account by this review.

We do feel very strongly that these safeguards that we are discussing here need to address the risk and impact on all activities, lending and non-lending, which goes back to the question that we raised here at beginning.

Safeguards must be mandatory, they must be detailed and fall within the jurisdiction of the Inspection Panel. This is just for us--it's very important in order for safeguards to be effective that they are not turned into voluntary guidance--the previous speaker mentioned the same.

We need to change the staff-incentive system so as to make it rewardable for Bank staff to implement safeguards effectively in their project operations.

So, I tried to--so, we have--we have a pretty robust set of recommendations here, I think, for the safeguards team, we will leave them with you, and some of those are also questions, and I cannot go through every single one here, but what is really important--and the IEG has found that too, and that's why you should deal with it, that effective post-approval monitoring and evaluation systems must be in place to actually address 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.

And this is the last one here. It felt important that there often is a lack of data if we want to evaluate impacts or learn lessons from the past, so creating public records of project level and aggregated data on involuntary resettlement was felt to be a very important contribution to future learning processes.

And, finally, the cost of implementing safeguards as the IEG put it are far less than the benefits, and that is something that the team hopefully or the Bank can address in the future, too, because we understand it's very crucial for borrowers to have incentive also and to not only look at it as a way of increasing transaction costs but of actually creating benefits, and this is what the IEG has found, and we believe it's a very important part of this exercise. Thank you.

[Applause.]

[[JOHN]]: You could hand it off to someone else. Who wants to go next? Okay. We have a group.

[DISABILITY GROUP] SPEAKER: This is the group on disability. We've talked about the need for generating a discussion at the Bank to consider the integration of disability as an issue or a component, and the safeguard and overall its development and investing programs and OPCS programs as based on the principle of human rights and also to use the United Nations Conventions on the Rights of Persons with Disabilities that the Bank has been key player in the negotiation process before this Convention was ratified by the United Nations.

And to practically speaking about how to make sure that this human rights approach on disability is something to be appealing for the language and the approach of the World Bank as an organization that works on economic development, is to realize the significance of disability mainstreaming as a socioeconomic added value issue by considering the opposite idea of inclusion, which is exclusion and how much it casts a burden on society when we don't consider the issue of disability.

So, we urge the Bank to take into account issues of disability mainstreaming because we need to see disabled people to be playing a key role in the development process of their societies, and we see World Bank projects to be a significant platform for enhancing opportunities of integration for persons with disabilities and changing the negative stigma that the society usually has about persons with disabilities.

Secondly, there is a need that the Bank should recognize that double standard approach of funding doesn't work when it comes to disability because it's not clear sometimes when the Bank sponsors projects that serve segregating programs and sheltered programs for persons with disabilities, assuming that this is serving the rights of persons with disabilities. And this is actually not doing so; it's rather, enhancing the stigmatizing and stereotypes against persons with disabilities in society.

And we see that the socioeconomic added value of disability mainstreaming as a key issue that corresponds with the main mission of the World Bank as an organization that works on elevating poverty, considering all the data that the Bank itself provides to us through reports and documents about the proportion of persons with disabilities in the overall global population, which is ten to 20 percent according to the United Nations, World Bank, and WHO data.

And the last--the last thing I would like to address, we would like to address, is that there is a need for systematic integration of persons with disabilities in the World Bank projects. It's not based only on interests of TTLs and Country Directors, and a first step to do so is to make sure that everything that the Bank does in terms of consultation processes and operations, that they should be accessible and based on the indicators of inclusive development. Thank you very much.

[Applause.]

[[JOHN]]: Great, thank you. One of the other groups?

**[LAND AND NATURAL RESOURCES] SPEAKER: Okay. Hi, I'm Sas from Oxfam.

So, we had land and land tenure and natural resources, so this is somewhat of a large area, given the natural resources sort of strayed into some of the climate change areas and biodiversity, and so it's kind of a mind dump of all those areas with some very specific elements in there as well. So, I will just read out sort of what we got down.

So, first, we had a very explicit requirement to respect indigenous peoples' rights to land territories, resources, full ownership and control, consistent with the U.N. Declaration.

We then also talked about this idea of the full assessment and evaluation of natural capital, so looking at environmental, social, economic, political type metrics, if you will, when it comes to the assessment.

Straight off the bat, just a formal recognition of customary land tenure rights, so that's very relevant to the title. We talked about the society of public purpose, so often a lot of the times resettlement or any form of expropriation will happen with the excuse that it was in the public purpose when often that it actually wasn't, so just a better way of defining what public purpose is in a demonstrable sort of way.

Okay. So, what do we got here? Okay. So, looking at building national and local implementation capacity, so that was just sort of overarching theme when we talked about sort of natural resources and land-based investments.

This comment here, there is a statement about do no harm, that we felt it should be quite clear we should try to make it beyond doing no harm, so actually making the impetus more about actual positive benefits as opposed to just mitigating negative ones.

So, then we talked about the global commons as well, so when we talk about natural resources, there are areas which do not necessarily fall under this review, so looking at the high seas, et cetera.

So then this falls under the scope, so safeguards and the applicability to development policy landing, so that's all we see, not just we will get into.

Specifically looking at better monitoring, evaluation, and baseline determinations, when we talk about this area.

The Bank being a good role model, so again an overarching sort of idea.

Basically looking at tools for--better tools for urban planning identified as a gap.

A very explicit statement of prohibiting involuntary resettlement, so obviously there was a very specific safeguard for that, we feel that a strong statement towards this is essential when we talk about land tenure.

Meaningful consultations actually mean meaningful consultation. These are often sort of the words there, and this is the gap which we find again as quite prevalent when we talk about resettlement.

Okay, so not delinking policy and safeguards, so sometimes the two can be somewhat separated.

What else do we have here?

So, I'm struggling to read handwriting here.

Okay, participatory--having participatory mapping, when we talk about natural habitats.

So, again we did it again, talked about natural resources and looking at distress in the climate area, so looking at renewable energies, moving away from fossil fuels.

Benefit sharing, so we're looking at equitable benefit the sharing, when there is any type of wealth creation, when we talking about--so, we talk about land rentals or any type of benefit that happens that's actually going back into the public purpose issue that we talked about before. So, looking at adaptation, climate resilience, again, which again I'm sure the climate group will talk about.

So, better application to financial intermediaries. This, we thought, was a huge gap. Again, it speaks to the scope.

And another very specific one on having a dedicated consultation with indigenous people, so meaningful consultation with recognizing the specific rights of the indigenous peoples for land resources.

[Applause.]

[[JOHN]]: Thank you. Yep, go ahead.

[CLIMATE CHANGE GROUP] SPEAKER: Hi, I'm Niranjali. I'm with the Center for International Environmental Law.

This is the climate change group report back. There was quite a robust discussion. I think we had something like five pages, and I'm actually not going to follow that specifically. I have tried to synthesize, so I'm just going to try to go from here.

There are three points specific to, I would say, the subject matter itself, and then two slightly more overarching points that we discussed. But as a preliminary matter, in case this isn't clear and hasn't been done already, the group did want to formally submit the CSO comments to the approach paper and all of the content therein.

Additionally, there were documents that were sent via Skype that are saved on the computer at the climate change station seeing additional formal input for the safeguards review team, so just to know that that's there. So, the three specific points:

The first is that we felt it was really important that the climate change aspects, impacts, et cetera, were identified upstream, so it really needs to be in the assessment side of things, that the climate change considerations are considered very carefully.

And a lot of that is covered in the CSO approach paper, but some of them include full life cycle accounting, prioritizing, end use resource efficiency; making sure that you're harmonizing with national climate plans, projects and programs both in the mitigation and the adaptation context. And there is a lot more in the approach paper about what needs to be built into assessment.

The second is going beyond assessment, that there are some specific things related to climate, where there do need to be prescriptive restrictions, and we talked, broadly speaking, about some of those sectors. There could be a need to discuss this in the context of energy, marine ecosystems, and forests. This is not exhaustive, but those were some things that came out.

And I think it touches very carefully with some of the input that has been provided before; for example, ensuring that in the context of climate change you are trying to address the primary drivers of deforestation.

The third point is that climate change is pervasive. It cuts across a lot of different things, and so it's going to be really important as the safeguards review moves forward to ensure that climate change is addressed in all of the relevant areas that need to be addressed, in addition to any specific qualifications/restrictions standards that need to be in place.

Now, to the two more overarching points. One I think has already been said before: there needs to be the do-no-harm aspect of the safeguards, but it would also be good to go beyond that and think about what positive outcomes safeguards can help achieve, but the do-no-harm aspect is critical. That has to be the minimum floor from which you start.

And the last point, which is critical, is that you really need to follow the money. There has to be robust monitoring, and there have to be benchmarks for what's considered a good outcome. And just to reiterate, the IFC model of over-relying on several monitoring and self-reporting, we felt, is not the right way to go. There has to be an institutional system for monitoring to ensure that the safeguards are being implemented. Thank you.

[[JOHN]]: Excellent. Thank you very much.

[Applause.]

[LABOR RIGHTS AND OCCUPATIONAL HEALTH AND SAFETY] [SPEAKER]: So, I'm going to talk about the labor rights and occupational health and safety. We also had a very prolific group, so I'm not going to try to run through all of our notes, but basically the main thrust of our discussion is that there needs to be a labor safeguard because the lack of a labor safeguard is a major gap that results in significant harm resulting in projects that involve forced labor, child labor, and violations of other core workers' rights.

And when we talk about what we want to see in terms of a labor safeguard, we would like to see requirements that projects comply with ILO fundamental labor standards, and we talked about the IFC's Performance Standard Number 2; and, in general, we think that's a pretty good model when it comes to labor. It calls for respecting those ILO fundamental conventions.

The one thing that we said is of concern with the IFC model is that it is self-reporting and, you know, relies on the clients to police their own behavior. So, we want it make sure that these are enforceable and actionable when it comes to the Inspection Panel and also are other potential accountability

mechanisms where perhaps more, you know, immediate violations of a labor safeguard could be addressed in a sort of quicker, more expedited fashion.

We also talked about making sure when it comes to occupational health and safety that there are some standards that consider that, and that consider both the direct and the indirect impact of these projects. And one of the examples that was given was HIV/AIDS policy. And when we talk about sort of an influx of, say, construction workers and perhaps sex workers into the area that measures are taken to kind of protect health and safety in that regard.

We talked about the need for the Bank policy to complement and work with policies of other agencies such as the International Labor Organization, and such that when the ILO goes into a country and works with that country to develop standards. The example given here was the changing context in Burma/Myanmar. The ILO is doing a lot of work there, and the need for the Bank, when they go into a country like that to make sure that the safeguard complements the work of other agencies and that these agencies are working together to sort of head towards the same goal.

[Applause]

[[JOHN]]: Excellent, thank you. Great, thank you very much. I think we still have three more groups.

[HOUSING RIGHTS/DISPLACEMENT] [SPEAKER]: We didn't have a flip chart, but we made your life simpler by preparing a set of bottom lines that we have prepared in relation to housing rights/displacement.

But basically let me quickly outline what we have in store for you. In relation to Question Number 1, we have identified that one of the strengths of the existing involuntary resettlement policy is the provision that actually requires consultation and at the same time provision of alternative resettlement options for affected families. Basically, we would like that provision maintained.

The other thing is there is also a provision in the existing policy that talks about 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.

Now, we have identified a number of weaknesses, but I think one of the most obvious ones so far is the lack of data, especially the fact that there has been no independent study that evaluated the performance, the impact of involuntary resettlement, how it actually resonates on the ground, is the implementation successful or not. So, without that, it's very difficult for us to determine whether involuntary resettlement actually works in general.

Another thing is that the World Bank is now actually lagging behind Asian Development Bank in terms of some key policy areas. For example, it only requires restoration of displaced people to pre-existing levels. Well, the Asian Development Bank is now talking about provision to improve the welfare of the affected population.

So, we have ten recommendations for how the involuntary resettlement policy should be improved. We don't have to discuss them in full, but let me just quickly mention some of the most important for now, which is, one, there has to be a prohibition of forced evictions as prescribed and defined by international law. I don't have to go into the detail of that.

It's also important to emphasize that involuntary resettlements should only occur in exceptional circumstances, and this should be in accordance with international law instruments and the UN's basic principles on development-based evictions.

There is still to be a consideration as well on the general welfare. And general welfare, of course, can be defined in many different ways, but a key element for the general welfare justification should be clearly demonstrated, including thorough distributional costs and benefit analysis.

Another important point that we would like to consider is to look at involuntary resettlement as a stand-alone project, not an after-thought--this should be a requirement for all Category A projects with resettlement impacts, and this is the only way to ensure that there is proper economic analysis, sufficient financing and better implementation, monitoring and evaluation.

And part of that as well is to be able to see that a successful project development is the provision of adequate budget and financing for resettlement based on sound economic analysis.

And there are other recommendations for how this involuntary resettlement should be improved in terms of the redefinition of what "meaningful consultation" is, and--I will end there.

[Applause.]

[[JOHN]]: Okay, great, thank you very much. Okay. Who wants to go next?

[FREE PRIOR INFORMED CONSENT GROUP] [SPEAKER]: I have a newborn in my house, so I need help in case I forget anything. And he's also going to restrain me if I ad lib too much.

The basic point is that the policy on indigenous peoples should clearly and unambiguously contain free prior informed consent and not free prior informed consultation leading to broad community support or

free prior informed broad community support with good-faith negotiation or anything like that, and free prior informed consultation.

With a clear understanding that the right to FPIC means no. Did I say "consultation"? You know what I mean. Yeah. No, consent, obviously. And consent means no, and it can also mean yes, and it needs to be understood that it can mean both yes or no.

And we would also like it maintain a separate indigenous policy and not have it collapsed into some vulnerable peoples policy. If you want such a policy, have a separate policy on vulnerable peoples, but keep the Indigenous Peoples policy as a stand-alone policy.

Get rid of broad community support. We don't like it. We've never liked it, and we still don't like it.

FPIC should apply to all Bank instruments, not only investments, however that works in technical assistance loans, et cetera, it needs to be worked out, but it needs to be across the board and not just for actual projects or investments.

Yeah, we're also very concerned 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, and some of the proposals that have been put forward by Indigenous Peoples they're having at high-level Indigenous Advisory Committee within the Bank and indigenous focal point within the Bank, having indigenous advisory teams in relation to screening because it seems screening was an issue at least in the review, a number of projects that could or should have triggered the project didn't because they weren't identified in the screening phase.

And especially in the impact assessment phase, and there should be recognition of FPIC in relation to impact assessment as well as an overall decision with regard to the project itself.

We cannot divorce free prior informed consent from recognition and protection of Indigenous Peoples' territorial rights. If those territorial rights are not properly identified, free prior informed consent is not going to work properly, so there should be regularization of communal territorial rights in World Bank projects as well as a recognition of free prior informed consent, which means rewriting Paragraph 17 of the current operational policy, rewriting it in a way that we agree with, by the way, just to be clear.

And there needs to be in-built mechanisms for technical capacity raising as part of the up-stream investment as well, so capacity for indigenous peoples but also capacity for government agencies who interact with Indigenous Peoples as well.

I think that was everything. Thank you. [Applause.]

[[JOHN]]: Great. Thank you. Did we get everyone? Oh, great. Very good. Excellent. Thanks, everybody, again for that. I think that we got quite a bit of detailed information on a lot of these critical issues, and I know that conversations on all that will go on in more detail as we move forward.

What I want to do--I don't need both of these--I wanted to--I'm not going to read all these out, but what I wanted to do was just cover broadly this is what you had addressed in terms of what's working, those are those couple of stickies over there. What's not working, this like mass that spreads down over here. What can be improved again kind of this mess, and specifically how to support borrowers.

All of this information is here, and some of these are quite detailed in terms of what's written out, so what's good is that's that, it will get written up and documented, and then that can go out to you all and others, get expanded and looked at in more detail.

So, just so we're clear, what I want to do here now is we have about 45 minutes, I want to go through some of the broad headings for a particular section and break this basically into the four groups, and then just say what the broad headings are, see if there is anybody that wants to expand on anything here for ten minutes or so, go to this group, talk about it, expand on it, this group expand on it, and then that group, okay? Is that clear, the process? Okay.

So, the **things that are working**. The respect of national sovereignty seems to be working.

Better outcomes, especially on major environmental and displacement issues, clear standards and mandatory guidance.

To all instruments--I'm not sure what that means.

Role model and standard setting is good.

The World Bank Performance Standards is good.

The openness by the Bank.

The affected people's participation and the CSO engagement is something that's working well.

The Inspection Panel works well.

And the respect for critical natural habitats has been working well.

As well as the principles-based approach seems to be working well.

Anything that anybody wants to expand on, add on, make a comment about? Otherwise, we will move to the next category of **what's not working**. There is a mike just behind you, if you could grab that. Somebody could grab it for him, thanks.

[SPEAKER]: I don't know if it really makes sense to answer all these things, but, for instance, World Bank Performance Standards, a lot of people think that's really not working, and the process by which it was adopted was completely flawed.

[JOHN]: Fine. Next one. It's fine to comment if someone says something's working, and you think it's not, say it's not. Or if somebody says it is not working and you think it is.

Any other comments about this category specifically?

[SPEAKER]: I don't know where this discussion is going, but the same thing could be said for natural habitats, and I'm pretty sure there is a natural habitats sheet on the blue side because it is not working.

[SPEAKER]: One thing I wanted to say that works with the current standards is there are certain benchmarks within the existing safeguard policies that are very clear that affected communities can tell whether they have been complied with or not that led to accountability, the need for consultation, land-for-land compensation, things like that.

And the approach laid out in the scoping paper quite clearly wants to move away from what they called "prescriptive" to an approach that will have environmental management systems, and you will be able to work with your borrower to make everything okay even if they're not okay in the beginning. That's the approach, it's very much the same approach that was adopted in the IFC Performance Standards.

And I just want to say that, although I agree with the value of an integrated safeguard policy, and I agree there is value in working with borrowers to strengthen their systems, the Bank shouldn't leave the minimum standards approach that's found in both international law and is found in their current standards, and I just want to say that I think you're emboldened a little bit by the success of the Performance Standards and being viewed as a leader in that space, but that policy space is very different than the space at the public sector side that the World Bank works in.

The Equator Principle banks and others were looking for something, and the private sector performance standards were valuable in that context.

This is a very different space; and, if the Bank abandons its clarity and minimum standards, it will be ignoring its role in the international legal system, and it will be opening itself up not to be a global public

good in a set of policies, but really to be a lagger. And I wanted to highlight that because it goes to the heart of what you do well now and what is at risk.

Just one more thing, what's at risk in the system is not the perception that you will weaken your policies, which is what you say the risk is, and that we will have a fight over words missing. The risk is that you will weaken your policies, and you will no longer be viewed as a leader in environmental and social development policies. And so, rethink that approach to risk and opportunities because it's a much different space than IFC. I didn't know where to fit that in...

[Applause.]

[JOHN]: That's fine. Anybody else wants to make a comment about what's working and somehow turn it into what's not working?

[SPEAKER]: Not working. Just to make a very, very quick note, someone mentioned that the Inspection Panel is working and while that's true, I think we can all agree that because of responses from Management, I think that the Inspection Panel hasn't been able to do its job as effectively as it needs to be doing, and I think that we also need to be thinking about how to address that issue.

[SPEAKER]: Great, all right. Since I think there is probably eagerness to discuss something that's **not working**, let's just head right there, so that's this broad swathe of stuff here, which includes what's not working: aligning with government policies, disclosure, lack of consultation, application of standards for consultation, performance standards as a model.

So, again, there are both sides. Excluding people from the process, so again with the consultation, the definitions being unclear--there are several things on that--uneven country systems evaluations, so differing from one country to another and not having a standard. Safeguards don't account for technical advancements to assess and value ecosystems. Technological advancements.

No dispute mechanism for affected people, inconsistent application of policies--there were several on that--application across instruments--that's been mentioned a few times already this afternoon, but there has been a whole plethora on that, including safeguards don't apply to all instrument, kind of similar to that piece.

Inconsistent implementation, quality, so not being consistent across the board on the quality.

Specifically, government lack of capacity for monitoring and implementation support, so the government not having the capacity to actually make sure these things work.

Benefit sharing, livelihood improvement, compensation for displaced peoples in particular.

Staff don't implement policies or they lack the incentives. So this is internal within the Bank. There is some organizational and structural dynamics that need to be addressed.

More participation of Indigenous People, lack of focus on risk to affected people, human rights assessments versus social assessments.

There's also a whole plethora here about gaps in policies, and a large swathe of things about critical habitats, climate change, human rights all not being recognized or addressed sufficiently, some of which were discussed in the breakout groups we had and already reported out.

But that is some sense of what's not working. Any comments, things that people want to expand on or clarify or things that you're confused about, or things that are listed here that are actually really positive and are misplaced and you want to move them over? Anything?

[SPEAKER]: Actually, I wanted to go back to what's working and just say one thing. It may bridge between the two, so--and that is about social dialogue, and so ILO--I'm from the ILO, and you know that our whole institution is based upon social dialogue between the key economic partners: labor, business, and countries.

And I haven't been with the ILO for years, but as long as they have been in existence, but we know a lot about it, it never ceases to be dynamic and difficult and challenging, but I think I just want to say I'm so glad that the Bank has made a commitment... that the Bank is highly committed to stakeholder, multi-stakeholder initiatives and dialogue because it's the only way you get buy-in, really, in the end, and that people own it, and it is about dialogue, it is not about everyone getting their way, of course. But it does work, it just never gets easy. So, thank you.

And just one other thing about that, we did talk about complementary initiatives in the labor group. Different stakeholders do different things, and when we can do multi-stakeholder initiatives and do different things in complementary ways, the power and impact that is released is also worth having the dialogue for.

So, thank you.

[JOHN]: Great. Thank you.

[SPEAKER]: Thanks. I also wanted to identify something that's not working, which is the--that the investment lending reform that was just approved by the Bank's Board should not be looked at or

thought about as a model for the way this Safeguards Review and Update should go forward, that there were--the notion of a principles-based approach, you know, may be good in theory, but the way it was done in investment lending reform was to abandon dozens literally of previously mandatory requirements and turn them into non-binding guidance. At the last minute, the Board made some changes to mitigate some of the most damaging things.

But the way that worked--I would like to state clearly that that should not be viewed as a model for the way this works.

[JOHN]: Okay. Great.

[SPEAKER]: I'm Niranjali from CIEL. I just wanted to state very quickly something about the IFC because I think the IFC Performance Standards and associated system has been referred to as a potential model for the approach that the World Bank could take, and I just want to be very clear about the ways in which we see the IFC working and the IFC not working.

On the 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, but there are other important areas in which it is not. It's going either backward or just not addressing things at all.

I mean, for example, I think a representative from the Equator Principle bank today said that the IFC is not delivering on climate change, so we have to be clear that there are aspects there that are not good enough.

And then in terms of risk management, I think this really riffs off of what Professor Hunter was saying before, that the Bank cannot--cannot--move away from the prescriptive measures as an explicit focus to more of a client's environmental risk assessment type of approach. I mean, it's good, it's very important to have risk management system, but the Bank needs to keep its minimum standards and the prescriptive measures that it has had so far.

And the last point is what the climate change group also said, is that the IFC over-relies on self-monitoring and self-reporting, and that's not acceptable. In this context for the Bank, the Bank has to have an institutional system to monitor and make sure that safeguards are being implemented.

Thank you.

[JOHN]: Great, thanks.

[SPEAKER]: I hope so. Okay. I'm very glad to be here, and I don't want to speak about what is not working. I would like to speak to say that it's a very good thing that the Bank engages in this exercise, and I hope it will be working.

I would like to, having been working in this field for decades, I would like to stress at this very beginning that the Bank has been the initiator of virtually all of these policies, maybe not the labor, safeguard policies that have done a lot of good to the entire world and to the poor people in the entire world, despite the various weaknesses we know and are going to talk about.

So, I believe this exercise gives us a chance to make these policies better.

Don't forget that these Bank policies have been replicated by all multilateral banks, by the Export Credit Agencies, by the private sector and the Equator Principles. It all started here. The Bank remains the primary agency in terms of not only amount of lending that is now dwarfed by the private sector, but in terms of ideas in this domain. The Bank has done a great service to the world at large, and strengthening the Bank's policies, I hope, will lead to a cascade of replications which will amplify further.

In this respect, a couple of observations: I think that one more constituency at least ought to be taken into account. There are civil society organizations here, but there is a large academic consistency--constituency, people who write about those policies, research them, teach new generations of students who know them, know the policies, and they should be brought in.

I know well because by now I'm part of this community and teaching and writing and researching, but in this room I feel in my old shoes I'm part of the Bank community who has been the architect of these policies and wants to bring them into the 20th Century--21st Century, second decade and for the next. So, this is my message, bring in the scholars, too.

Thank you.

[JOHN]: Excellent. We have some colleagues that are on audio, so I wanted to check, is there any questions or comments from folks that are on the phone? Yes? No?

PARTICIPANT ON AUDIO: Yes, this is Stephanie Fried. A couple of things about what's working and not working.

Talking about history, first of all, for clarification, the Bank wasn't the initiator of the safeguard policies. The policies grew out of action by civil society networks in India, Brazil, and Indonesia facing transmigration, mega-hydropower, and other issues that launched a global campaign to which the Bank

ultimately responded as a result of pressure from parliaments from around the world. So, it's wonderful that the Bank has the safeguards, but if we're talking about history, we really need to be aware of this history.

On what works and what doesn't, one of the things I had a question about is what works in this consultation, and I'm hoping that the input from our working groups, which had been limited to a minute or two, less than the musical interlude that was presented in the opening, hopefully, there will be a complete accounting or the opportunity for the work-group input to be made fully into this process, so it's not simply represented by a two-minute summary.

Looking at what works and what doesn't work, I found it a little bit disturbing for some of the opening framework setting, and the framework was that we need to move into the modern age here, countries have now laws on the books, and dilution--we don't want to have it just be about words. I would like to underscore comments by some of our Indonesian colleagues about the fact that having laws on the books is not enough, and if you're depending on a country system type of approach, it's the rule of law that counts. If the laws are weak or poorly enforced about transparency and corruption and environmental protection and social welfare, well, you're going to have a tremendous problem if that's the framework that you're dependent upon.

In terms of dilution, I would underscore the fact that dilution is about words. It would be a dilution to shift from mandatory requirements of the "must" or "shall" category to guidance or to things that involve the word "may" instead of "must." It will be a dilution to shift from Bank oversight to the sort of IFC-type operation with self-reporting, self-evaluation.

It's a dilution to delete requirements, steps, timings, as happened in recent reviews. It's a dilution to change the definition potentially of key words. So, words are what counts, words are important, and we hope that this will obviously be recognized.

In addition, what was disturbing and what did not work in the framework is the discussion about harmonization. I don't hear a pledge of upward harmonization. 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.

So, I think that will be the set of comments.

And also to encourage you to look at others--obviously other MDBs, including the ADB, looking at OPIC, EBRD, looking at the most robust disclosure requirement period, responsibility for ensuring compliance

with requirements throughout the cycle of a project or sub project, and binding language, 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.

And that's it from me. Thank you.

[JOHN]: Thank you for your inputs.

[SPEAKER]: I'm going to build on a comment that Mark made regarding investment lending reform as the wrong model to begin this process, and I want to say this in the context of supervision as a widely recognized aspect of safeguards, it's not working, IEG and the Inspection Panel both have shown it in very convincing ways, in different ways.

But the response in the form of diluting the current policy, we feel, is not the way to go, the way investment lending has done, and we don't feel like many of the factors that contribute to wide supervision doesn't get done and doesn't get done well, are not adequately addressed in the guidance note that was provided for investment lending reform.

It lacks attention to the candor and completeness of the way in which information is reported during execution, the frequency or lack thereof of impact assessments.

The need for new instruments that might be adapted from other institutions, and obviously the incentive structure that works against reporting on things that may be in your own interest--these type of enabling environment issues haven't been discussed in the way investment lending reform has begun to produce a new way of doing it, and we're troubled by that as the beginning point for this very central issue.

And I would just end by saying it's been two years since Management responded to IEG's report showing this, and we still don't know what it's done in the interim and what it plans to do over the two years of this review to begin even piloting some of these new ideas, menu of new ideas.

So, we feel like lacking that input, there is a huge gap in confidence that we're going to arrive where we think we want to go.

[SPEAKER]: I wish to add something. I want to add something to what's already been said on the problems around implementation, and that's with respect to actual--to investment lending, where the Bank recognizes that the safeguard policies should apply.

There are some countries that simply don't like the indigenous peoples policy; and, unfortunately, the Bank is not strictly applying the policy in some of those countries. And there is an ongoing dialogue between the Bank and governments about the policies but not the strict application.

And at the same time, we've seen the failure to apply safeguard policies to recurrent expenditures within investment lending, which is another big gap and is another example of this increasing lack of implementation of safeguard policies.

[SPEAKER]: Okay. I have been asked by our colleagues from Northeast India, the indigenous peoples networks there to reiterate their call and ask the Bank's commitment to ensure that the OP 7.60 be included in the review, again, because of a number of definitional areas. So, this is a first step they would like the Bank to commission an independent assessment, but that it's executed in all disputed areas.

ADB has also started to review its framework related to disputed areas, so we would like the Bank's commitment to ensure this is included in this review process.

[JOHN]: Excellent. So, with that comment, I'm just going to move over and finish up our third category here; it's somewhat similar. It's some of the things around **how to improve**--so, again, all of this is documented here, but there should be an energy strategy or something around an energy strategy;

Resource Management, there is a whole variety of things specifically on that, which fits also into natural systems here;

A couple of comments about international law and specific things that can be improved around that;

Some things about the consultation process and how that could be improved;

Private sector accountability;

Capacity building;

The scope of the review process;

Implementation of a variety of things about what could be improved or how things could be improved around that;

IPs, human rights, staff incentives, simplification of the whole procedures, resettlement, transparency, inclusion, social issues, natural resources and habitat, economic analysis, assessments, and supervision.

Any expansion or comments on this? We have, like, three or four minutes, if anybody had anything.

[SPEAKER]: I think I have a question also about the process and about what happens to these--seems to be a wealth of ideas on this wall there, and how will it be recorded, and same for the results of the working groups, maybe you could let us know.

[JOHN]: The short answer is it will all get typed up and will get back to you as well as to other people. But we can expand on the follow-on in just a moment. Anything else specifically about these?

All of this is going to be documented. And there are also some World Bank staff that work on safeguard issues at some of the tables who will be able to expand on things.

And then I will leave it to Motoko and team to expand on what's the next steps in terms of going in any of this in more detail, but in terms of what's been discussed, it will all get documented.

Yes, another question in terms of how to improve? Or comment, rather?

[SPEAKER]: It's a comment more than question, and actually has already come up in the scope of the implementation working group.

There are a lot of sector-specific reviews and also even policy-specific reviews that have already been brought up, the learning review of OP 4.10 is an example, and there is a lot of recommendations and findings which set in those documents. And as part of this process, it would be interesting to hear how those recommendations are explicitly going to be addressed and incorporated, and I think the learning review on OP 4.10 is a particularly relevant example because it's the most recent of those. But all of them, the Extractive Industries Review, World Commission on Dams--all of these recommendations from the past.

[JOHN]: Excellent. Thanks. Any other?

[SPEAKER]: Juanita Lopez with the Latin American Network of Women.

I think one of my main concerns throughout this process is that it happened so quickly and that the communities are actually not here, and I know that there was a question raised earlier about the consultation in countries and regions, but those also happen quickly, and those are also with selective partners.

So, when we look at how are we really going to look at working with Indigenous Peoples and looking at the interests and recommendations all the way--grassroots, regional, national--that needs to be taken

into consideration, and I'm still not clear as to how that's going to work, and we can talk about indigenous peoples, we can talk about consultation, but when we actually talk about how it's going to be implemented, that's still not clear.

I think that there are people here who--you know, we have the advantage of having the computers in front of us, being able to read these, but the communities that are actually impacted don't have these documents.

So, there needs to be some sort of process that's better throughout all of this when we talk about really doing a thorough review process.

[JOHN]: Good point. Okay. So, what I'm going to do is just quickly address this last category here.

So, this is how to support borrowers? And the topics that came up were to have clear standards, to have country systems, to have country ownership, to address disability issues, ESIA, natural habitats--there were a couple of miscellaneous things of their own here that I won't go into. Public good, international law obligations, addressing resource issues, HR obligations, independent monitoring and evaluation would also help to support powers, and obviously a lot around capacity building as well as harmonization.

Any--you had a particular comment on that? Yes, go ahead.

[SPEAKER]: Thank you. Gaia Larsen from the World Resources Institute.

And I wanted to speak specifically about the use of country systems, not necessarily just to be country systems approach that was piloted and is continuing to be piloted at the World Bank, but also the general sort of beyond that use and movement towards country systems as something to use in terms of social and environmental safeguards that they provide.

And some of my comments will actually echo what has already been said in many ways because I think it relates to a lot of this, but essentially, yes, the World Bank has done important work in a lot of these countries where the laws have been improved. Over the last couple of decades, I think everybody can recognize that there have been improvements. Unfortunately, oftentimes it's very difficult for countries to actually implement these laws, for various reasons.

So, in terms of providing--relying on these systems, this is the question--this is the big question of how do you rely on systems in the sense in the way the systems are actually implemented, and you should remember that since the countries mostly have--not mostly--many of them still have legal issues in place

as well, but many of them also have strong laws, they already have the principles. What they don't have is the guidance and the ability to actually implement those principles.

So, what we found in talking to people in different places is that oftentimes the World Bank's detailed policies and the collaborative efforts that happened on the ground in trying to implement the policies between the government and the Bank can help actually national governments essentially figure out how to implement their own laws.

So, I think it's important to remember that the safeguard policies as they exist--I mean, they're not perfect, and maybe they can be clarified and the most important elements further defined, et cetera, but the detail there actually does in some ways already help in this process of implementing national laws.

Second, civil society in developing countries and civil society in any country, including developed countries is obviously very important as actor in getting the laws implemented, and so supporting active citizenry in these countries should also be a focus of the Bank if they want to encourage countries to implement their laws.

Finally, there has been repeated mentioning of efficiency and the need for further efficiency, et cetera. It's possible that maybe in some low-risk cases, relying on national systems would be more efficient. That is true, but in many cases that would also be--it will be slower, much slower, because people on the ground often don't have the same resource, don't have the same training as the Bank.

And so to use country systems as something that is quicker is--it simply shouldn't be seen that day. It's a long-term process, needs a lot of resource, needs a lot of thought, and it's not a fast solution.

[JOHN]: Great, thank you. One other comment, if you can just keep it brief, thanks.

[SPEAKER]: Sure, Gretchen Gordon with the Indian Law Resource Center.

Some comments on just the structure of these questions if this is going to be the framework for consultations going forward. After what works and what doesn't work, I think we need to ask the question why? Is it that because of policy? Is that because of capacity? Is that because of supervision, implementation.

And the question, what can be improved, again, as has already been said, we have the reviews, the implementation review of the indigenous peoples policy, what happened to that information and how has that been acted on?

And one big source of the answer to a lot of these questions, as was said, is affected communities--and they're not able to answer the question unless that--the documents are made available and this consultation reaches out to people in-country in their language.

And on the last question, how to support borrowers, how to support borrowers in doing no harm to local communities and environments, in which case you should be asking as much as you're consulting borrowers on how to do that, you should be consulting those people on the ground.

[JOHN]: Excellent. So, I'm going to hand over here, I'm not going to be saying much more from my end as I hand over, so I just wanted to thank everybody from my side for your participation. Hopefully, we've got a good amount of breadth of different inputs and thoughts from folks as well as depth from at least nine of the critical thematic emerging areas as well as got a little bit of people to put their voices in the room as well. And for that, I will thank all of you.

Is this a burning-burning issue because we're close on time?

[SPEAKER]: Burning.

[JOHN]: All right.

[SPEAKER]: This is Nadia from Bank Information Center, but I would just like to say that I would really appreciate if we don't have this style of consultation moving forward. I like the idea we did the breadth and depth on certain issues, but I think a lot of us have discussed a lot of these issues with each other, and now I want to take this opportunity to discuss them with you and for you to press us what do you mean by that, explain more, you know, and going back and forth a bit more, and I know it's a learning process, so I hope that we learn from this session moving forward.

[JOHN]: Excellent of as everybody's aware, this is the start of a much longer process, so this is not the only way or the only time that you'll have a chance to engage, but that is a good point.

Great. With that, I will hand over. Thank you.

PAUL BERMINGHAM: Hi. Let me introduce myself for those of us--my name is Paul Bermingham, I'm the Director of Operations, Risk Management, and I just to want say thank you all for a very interesting day.

All of this will be written up and shared with you so that you have the opportunity to add or suggest modifications to it. It will also be disclosed on our Web site. As with all the other consultations that we have with whomever, they will all be disclosed.

What has been suggested for us to reflect on here on--I will say a few words about that in a moment--we expect that others will have other issues that they would like to have discussed, and we will be sharing those as well and identifying those who have made those suggestions.

So, this is not the end of the scope of--defining the scope of the consultations. If somebody at a later date wants to suggest something additional, they're free to do so, and we will certainly consider it.

Equally, if you would like to have a different form of consultation, we're very happy to talk about that. Some smaller groups may wish to have meetings with us on the single issue, that's fine. We will not refuse meetings to discuss any area of issues. So, this was, I think, a useful event today, but if somebody has a suggestion about how to do it differently in the future, we're very open to do that.

We're not going to respond to any of the specific suggestions that you made today, but we are acknowledging that we've got them all, and I just make a couple of observations, it's a formidable list. That's a lot, I would say, and the first thing we've got to do is capture, record, digest, reflect, see how we're going to internalize it.

I guess there is one comment that I would like to--one point that I'm kind of wrestling with myself. I don't know what the answer is going to be, but let me share it with you. Many of you talked about the need for us to go beyond doing no harm and to doing good, and I think that's something we really want to do, and I think we've said that it perhaps in different words in the approach paper, and we feel that--that's not to say that we're going to do harm. We have to continue to do no harm, but we have to go beyond doing no harm, to doing something better, more substantive, broader to deliver sustainable outcomes.

But how we do that, the compliance model begins to break down when you go to aspirations, so where is the line that we're going to draw there and how are we going to deal with the tradeoffs that that's going to present to us.

So, I'm just sharing that with you as a trade-off. We're going to have to deal with it. We want to go there, but we're going to have to find different vehicles than only the compliance policy. Yes, we need to comply with policies, and we have to be accountable for compliance with those policies; there is no question about that here. But compliance with policy is not the only instrument by which we are trying to meet the objectives that we're setting for ourselves, and the higher objectives that we are setting for ourselves, how are we going to do that?

So, that's all I'm taking away that I need to reflect on, and I'm looking forward to having further discussions with all of you in the months and hopefully not too many years to come on this.

Is there anything you would like to add?

CYPRIAN: We are supposed to make a synopsis of some of the issues, but given--in the interest of time, to be very concise--my name is Sipran Fisiy, Director of Social Development--what I took from these discussions seven points that I wanted to reflect as we wrap up things.

The first is it on the process, and I heard you well, starting a conversation today, and I think that process is important. And you said that as part of this process, we needed to take into account certain documents that were produced before, the World Commission on Dams, the report, the internal review on IPs, and other documents that should be fed into the process, so that's important, and I think they're going to take it seriously.

The second is how we look on issues of scope and coverage. What you mentioned was quite important, and you said we should go beyond investment lending to look at all our policies as part of this process, and I think it's important and we should take that seriously, and we're going to see to what extent we engage, and there was a comment around FPIC, and how we use FPIC across the board for all our instruments. And these are things because when we are in a listening mode, we are going to factor it as part of the consultation going forward, and I heard that comment clear from the conversation.

Third, around policy coherence, which came up very clearly, Paul talked about it a moment ago where the goal is go beyond do no harm to have positive impact, and I think Paul is right, it's something we wrestle with and something we are going to deal with very carefully.

And around our policy impact, how we get positive impact, I think, is an important element.

The second point I wanted to mention is around how we also have policy currents within the World Bank Group as well as with our clients and with our client countries, and that's something we're going to look at very carefully and work on these issues and seek to understand how we build policy coherence across the board as we are trying to do this because it's going to be good for our clients as well as for staff and other shareholders going forward.

Fourthly, I wanted to talk briefly around implementation support, and what I heard were two things: first, around the lack of data and documentation on these issues and how to document issues very well, and I think we're going to take that seriously around documentation.

Also, concern around meaningful consultations, which I took to mean that that once we have consultations, you want them to come along with accountability and how we frame our policies going forward, and these are issues we listen to and listen very carefully to what you're saying.

The fifth area was around emerging issues, and from the discussion this afternoon, I think you endorsed most of them--all of them, more or less--that issue going into the policy framework, and I think it's important for us to see and hear from others what they think about these six, seven emerging issues which we'll address going forward.

The sixth one I wanted to touch on briefly was around risk because there was a comment on the floor, and it gave a different twist to the whole issue around risk, pointed out essentially that the World Bank as a global public institution should be setting minimum standards as a global public good, and that is a risk we need to pay attention to. It came from people shared in the room what was said, and I think something we're going to see to what extent we think about how we set minimum standards about the way we do business as a global public good.

Last, but not least, is around impact assessment, and the discussion here was the robustness of a monitoring system which mostly based on how we have an institutional system for capturing that, given what we have in IFC, and I heard that comment.

These are the issues. I mean, there are lots of them around the room, and we're going to pay more attention to these issues when we're in a listening mode, we want to capture all the elements that come out of this discussion, and we will come back on this conversation as the process evolves. So, I want to join Paul in thanking you very much for the discussion this afternoon.

[Applause.]

PAUL BERMINGHAM: Thank you very much to our moderator. Thank you very much for your moderation today.