

FRENCH NON-PAPER ON THE BANK'S SAFEGUARDS REVIEW

France supports the consultation process to strengthen and update World Bank's safeguard policies. Safeguard policies not only play a key role in improving the quality of Bank's projects; they can also result in a more lasting impact on local practices and support the upgrade of country systems through improved country ownership. We appreciate the comprehensive effort undertaken by the Bank to engage in a transparent and inclusive dialogue with all stakeholders in the course of the consultation process.

I- General view on the Bank's safeguards review.

In a nutshell, the French position is threefold:

- Make a clearer reference to human rights and reinforce social standards;
- Strengthen the environmental approach;
- Unify the safeguards policies among the different Bank tools.

Cross-sectorial issues are twofold:

Use of the Borrower's Framework. As a cross-sectorial point of view, regarding accountability and oversight of project implementation, clear conditions should be set to use borrower systems and framework. We understand that the use of country systems is consistent with increased ownership and development effectiveness. It also provides many challenges in terms of: (i) initial risk assessment – and clarity about the conditions under which the World Bank would agree to use a borrower's framework; (ii) capacity building – to address potential shortcomings and reinforce the borrower's institutional capacity, (iii) appropriate monitoring and supervision throughout the whole project cycle – which requires adequate resourcing and staff incentives. The World Bank should therefore adopt mechanisms in order to check the effectiveness of the supervision, and to provide, if needed, adequate assistance to national systems. **We ask for an assessment of the current Bank's safeguard review by 2020.**

II- More specifically, France would point out a few points regarding specific environmental and social standards (ESS).

1) Make a clearer reference to human rights and reinforce social standards

Human rights The review process was initiated with the aim of improving the coverage of environmental and social risks, achieving better outcomes and helping Borrowers deliver sustainable results on the ground. In order for these ambitions to be met, the safeguard policies should be reflective of the international consensus on aid efficiency (Paris Principles, Accra Agenda for Action) and development (Vienna Declaration and Programme of Action, MDGs, ongoing discussions on SDGs) which places universal human rights at the heart of development. Therefore, safeguard policies should explicitly mention universally recognized human rights principles and ensure that projects do not contravene with the Borrowers' obligations under international law.

Labor and Working Conditions. If France welcomes this specific safeguard on working conditions, we assume it should be expanded to all ILO International Labor Standards, including a reference to freedom of association and collective bargaining, and the scope should be clarified regarding contractors and sub-contractors, as well as to migrant and supply-chain workers. A clear reference to all ILO International Labor Standards should be integrated in ESS2. The language regarding prohibition of child and forced labor should be strengthened. Where national law prohibits the implementation of such standards, the World Bank should engage in a dialogue with the borrower to support policy reform on these issues.

Land tenure. The Bank should put a stronger focus on avoiding resettlement. When unavoidable, the Bank should ensure full integration of all legitimate land rights holders within a project through comprehensive mechanisms. In cases where this is impossible, fair and transparent compensation measures should be implemented. A particular attention should be paid to vulnerable groups (such as women, informal settlement dwellers, pastoralists). The World Bank approach would gain from aligning even more to the FAO Voluntary guidelines on the responsible governance of tenure of land, fisheries and forests in the context of national food security.

Indigenous people. Even though there is no universally accepted definition of indigenous people, legitimate customary cultural, economic, social or political institutions, knowledge and practices are usually recognized as self-identification components of social and cultural groups. The proposed approach poses the risk of undermining legitimate rights of these diverse social and cultural groups. We suggest that the provisions on alternative approach be replaced by an integrated approach to due diligence with one safeguards instrument covering both project-affected people and indigenous people. The actions necessary for the restoration of the living standards of displaced persons should be supervised effectively. Coordination between all project stakeholders should thus be reinforced.

2) Strengthen the environmental approach

Climate change. The vision statement should be mentioning climate change resilience. Upstream consideration on low-carbon development and adaptive mechanisms should be clarified and encouraged in ESS3, and systematically addressed in the borrower's Environmental and Social Commitment Plan, as the integration of cost of carbon externalities when choosing projects. The linkages with social and health effects (limitation of air, water and health pollution) should also be reinforced in the environmental assessments. Adaptation to climate change could also be addressed.

3) Unify the safeguard policy among the different Bank tools

If the potential expansion of the scope of the ESS is welcomed, we regret that a significant share of the loans originated by the Bank is and will increasingly be *de facto* be addressed or covered by a different set of standards (*Development Policy Loans* and *Program for Results*). We would welcome a better harmonization between the safeguards' operational parameters both internally and, with a long-term perspective, with other donors, with a view to facilitating co-financing.