

Phase 1 Consultation (Oct 2012 – Feb 15 2013): Guiding Questions

Please provide your input to the review and update of the Safeguard Policies that the World Bank is undertaking. Your input will help shape a draft integrated policy framework that will promote environmentally and socially sustainable development as a global public good in the years to come. It is anticipated that the proposal will be discussed by the Committee on Development Effectiveness of the World Bank’s Board of Executive Directors in May 2013. Please see the overall [consultation plan](#) for more information about the two-year review process and its accompanying consultations.

The policies under review are the eight environmental and social safeguard policies – OP 4.01 [Environmental Assessment](#), OP 4.04 [Natural Habitats](#), OP 4.09 [Pest Management](#), OP 4.10 [Indigenous Peoples](#), OP 4.11 [Physical Cultural Resources](#), OP 4.12 [Involuntary Resettlement](#), OP 4.36 [Forests](#), OP 4.37 [Safety of Dams](#) – as well as the [Policy on Piloting the Use of Borrower Systems for Environmental and Social Safeguards](#) (“Use of Country Systems”), OP 4.00.

As part of the review process the Bank will also consider if and how it could potentially address a number of emerging areas that stakeholders have asked us to consider. These are human rights; labor and occupational health and safety; gender; disability; the free, prior, and informed consent of Indigenous Peoples; land tenure and natural resources; and climate change.

The questions below are based on the [Approach Paper](#) available on the consultation webpage at www.worldbank.org/safeguardsconsultations. They are intended to help frame and organize your input and feedback. Additional views or comments can be given in the space provided. Please send the completed form to safeguardconsult@worldbank.org. Your feedback will not be attributed without your consent. Other questions or concerns can be addressed to the Safeguard Team at: safeguardconsult@worldbank.org.

We look forward to your participation in this process and the insight you will bring as we move forward with the update and review.

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Organization Type (*Important, please select one):

- | | |
|--|---|
| 1. Government () | 10. Unions () |
| 2. Private sector () | 11. Media () |
| 3. Institution () | 12. Think Tank () |
| 4. Association () | 13. Academia/Research () |
| 5. Non-governmental organization (x) | 14. Multilateral development organization () |
| 6. Community group () | 15. Bilateral development organization () |
| 7. Indigenous Peoples group () | 16. Individual () |
| 8. Faith based organization () | |
| 9. Foundation () | |

Title:

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Please provide your e-mail address if you would like to receive updates about the safeguard policies review and the consultations:

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➔ *I authorize the World Bank team to post my comments on the web (cross one): YES (x)
NO ()*

➔ *I authorize the World Bank team to disclose my name on the web (cross one): YES (x)
NO ()*

Guiding Questions:

1. Which aspects of the eight current environmental and social safeguards policies can the Bank improve to ensure that these policies most effectively help achieve sustainable development and results on the ground?

In order to achieve sustainable development and results on the ground, it is important to make sure that safeguard policies also reach the most vulnerable groups in society, including women, children, older people and persons with disabilities. This means that specific measures to reach these vulnerable groups should be incorporated in all eight environmental and social safeguard policies. At the moment, the rights of people with disabilities and inclusive development

accessible to persons with disabilities are not addressed in any of the safeguard policies. As a result, people with disabilities, often some of the poorest and most vulnerable people in society, especially in developing countries, are not systematically consulted or considered in the planning and design of the projects.

It is important to note that the inclusion of persons with disabilities is of significance and brings added value to the overall development process, as a non-inclusive approach would effectively put nearly 20%¹ of the population out of reach of development initiatives, such as these Safeguards. It is evident that all involved, vulnerable individuals, borrowing countries, would benefit from the inclusion of such a significant percentage of the population under the Safeguards. This inclusion would be beneficial to the World Bank's own operational scope enhancement.

In order to include persons with disabilities in the World Bank's Safeguards policies, improvement would need to be made at all levels to foster more inclusive Safeguards, in which development inclusive of Persons with Disabilities is built-in from the start. Language on disability should be strengthened across all existing safeguard policies, so that the needs and rights of persons with disabilities are explicitly mentioned to ensure the protection and participation of all people, including the most vulnerable groups.

Although disability is on its way to be adequately taken into account in social protection schemes (about 75% of them so far) backed by the World Bank, and as the Bank is clearly aware of the importance of including disability in development², the scope of this integration of persons with disabilities should extend beyond the sphere of social protection-oriented projects, and apply to these Safeguards Policies as well.

This is also in line with the idea of upward harmonization, meaning that the existing safeguard policies and procedures must be strengthened to provide at minimum, consistency with international laws and the highest standards and norms, such as the UN Convention on the Rights of Persons with Disabilities.

On a more general note, we would like to mention that this review is sadly limited to investment lending by the World Bank, which is a clear hindrance to achieving development outcomes, the Bank's purported objective. Therefore, a broadening of the scope of these Safeguards would be needed.

2. Please share examples of challenges you have encountered in applying the safeguard policies.

¹ World Health Organization, [World report on disability](#), 2011, p.27

²<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTSOCIALPROTECTION/EXTDISABILITY/0,,contentMDK:21151218~menuPK:282706~pagePK:210058~piPK:210062~theSitePK:282699,00.html>

3. Please share examples of what has worked well in applying the safeguard policies.

4. In your view, what aspects of the 2010 Independent Evaluation Group's study of the Safeguard Policies and accompanying recommendations are particularly important for the Bank to consider in the Safeguards Review and Update?

The 2010 IEG's study highlights the importance of a comprehensive social assessment of community impact, which would enable early identification of vulnerable groups.(p.51) This is particularly important for persons with disabilities. Disability and poverty are inextricably linked, which makes persons with disabilities one of the most vulnerable groups in society.

The report also mentions the need to ensure that vulnerable groups are not excluded from development benefits, hence a need to adopt differentiated approaches for interventions designed to benefit affected persons, from those likely to induce adverse effects. (p. 103) The evaluation also points to the importance of a partnership with clients, third parties, and local communities to enhance ownership and results. It is important that in this partnership also Disabled People's Organisations are included in order to make sure that the interests and needs of persons with disabilities are represented. As most partner governments have ratified the CRPD, disability should be considered, and the World bank should be helping with this.

We notice the absence altogether of any mention of disability issues, be it in the IEG's report or the Safeguard Policies themselves. Since disability and poverty are inextricably linked³, and 15% of the world population is living with a disability⁴ – 80% of those in developing countries – this gap in policy is disturbing.

5. What core principles that promote sustainable development should the Bank consider in the review, including those already reflected in the current safeguard policies?

Focus on Human Rights

The World Bank should adopt safeguard policies aligned with the international human rights obligations of its member states and clients. Incorporating human rights protections will bring the Bank into alignment with recent developments at the UN, support member states in the fulfillment of their human rights obligations, and improve development outcomes by ensuring respect for the rights of those the Bank seeks to benefit.

³ Mitra S, Posarac A, Vick B. Disability and poverty in developing countries: a snapshot from the world health survey. Washington, Human Development Network Social Protection, 2011

⁴ World Health Organization, [World report on disability](#), 2011, p.10

The World Bank must act consistently with the UN Charter, which requires “[u]niversal respect for, and observance of, human rights and fundamental freedoms for all.”⁵ The Bank should support member states in the fulfillment of their duty to protect against human rights abuses, which can arise in the context of Bank programs.

The UN Committee on Economic, Social and Cultural Rights (CESCR) has also stated that the World Bank (among other international agencies) “should act as advocates of projects and approaches which contribute not only to economic growth or other broadly defined objectives, but also to enhanced enjoyment of the full range of human rights.”⁶

In this view, it is required that for all projects financed by the World Bank, both the bank and the borrowers identify the potential impacts of said projects on human rights, and that they take all the necessary measures to address any negative impact.

Non-discrimination and the Rights of Persons with Disabilities

Exclusion, barriers and discrimination continue to be key factors driving and deepening poverty⁷ and are thus an obstacle for sustainable development. The World Bank should ensure that all and any safeguard policies protect the principle of non-discrimination on the basis of race, color, sex, age, sexual orientation or gender identity, language, religion, political or other opinion, national or social origin, property, birth, disability or other status. As such, World Bank activities must not discriminate on any prohibited grounds, neither in the design nor in the implementation phase. The World Bank must ensure that no-one is excluded from its development aid and that it also reaches and benefits the most vulnerable and marginalized members in society.

Linked to both human rights and non-discrimination, specifically in the case of persons with disabilities, a core principle that should be respected across all WB initiatives, including the Safeguards, in order to promote sustainable and inclusive development for all is the principle overarching the UN Convention on the Rights of Persons with Disabilities, i.e. to protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity.

We would also highlight the fact that inclusion of persons with disabilities should not be limited to mere inclusion per se, but should be a three-pronged approach, ensuring inclusion, protection and full participation to society. In other words, inclusion is not about mere survival.

⁵ Charter of the United Nations, Art. 55.

⁶ United Nations Committee on Economic, Social and Cultural Rights, General Comment 2 (1990), para. 6 and 8 (d).

⁷ World Health Organization, World report on disability, 2011, p.12

6. Are there any additional factors - beyond the internal and external drivers described in the paper (section II of the Approach Paper, page 4) - that the Bank should consider in the course of the review?

Moreover, the Bank should definitely take into account that safeguards have a human face and should be explicitly rights-based, as they are inextricably linked to poverty reduction because they provide protection to people and their environment.

An additional factor should be the progress made in the field of inclusion of persons with disabilities since the Safeguards Policies were reviewed last, as for instance the entry into force of the UN Convention on the Rights of Persons with Disabilities in May 2008, ratified by 127 countries as of January 2013. As the most robust international standard on the human rights of people with disabilities, the Convention follows decades of work by the United Nations to change attitudes and approaches to persons with disabilities. The Convention is intended as a human rights instrument with an explicit, social development dimension. It adopts a broad categorization of persons with disabilities and reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.

It also highlights the changes in the way disability is perceived in society: after the charity model, in which persons with disabilities were objects of pity, the medical model was introduced, then considering persons with disabilities as objects of treatment, needing to be fixed to conform to a norm. Later, the social model was introduced, considering society's attitude and barriers as being the problem, not persons with disabilities themselves. This brought us towards the rights-based model, on which tenets the CRPD is based, viewing persons with disabilities as "subjects" with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent as well as being active members of society.

As to the CRPD itself, and the rights of persons with disabilities, we would like to point out certain topics covered in the convention. In regards to equality and non-discrimination, the convention states (Article 5) that all persons are equal before and under the law, discrimination on the basis of disability should be prohibited; under international law, all measures will be taken to ensure the protection and safety of persons with disabilities in situations of risk and humanitarian emergencies (Article 11); education also plays a great role in the inclusion of persons with disabilities, and as such should allow the development of all to their fullest potential, and enable persons with disabilities to participate effectively in society (Article 24); in regards to health, the Convention recognizes the right for persons with disabilities to enjoy the highest attainable standard of health without discrimination (Article 25). The convention also takes on the domain of work and employment, recognizing the right of persons with disabilities to gain a living by work, freely chosen in an accessible, inclusive labor market, be it persons with a disability from birth or who become disabled later in life. (Article 27); along with the right to work, the Convention also highlights the necessity for signatories of the CRPD to ensure adequate standard of living and social protection, and/or the continuous improvement of living conditions, including access to water, poverty-reduction schemes, assistance with disability-related expenses, public housing and/or retirement schemes (Article

28). Finally, we would like to highlight Article 32 of the Convention, which states that international cooperation should be inclusive of and accessible to persons with disabilities, and that donor countries should facilitate and support capacity-building, including through the exchange and sharing of information and best practices, facilitate cooperation in research and provide technical and economic assistance as appropriate.

These are only a few relevant articles of the CRPD, but it is clear that the World Bank should take them into account when implementing safeguards to their projects.

Another factor is the undeniable evidence of the prevalence of disability in the world showed in the WHO's World Report on Disability⁸. Based on the World Health Survey, the World Report on Disability estimates that around 15% of the world population is living with a disability. It also acknowledges that disability varies according to a complex mix of factors, including environmental risks, socio-economic status or available resources, all of which, especially in developing countries, put persons with disabilities at risk.

7. The paper notes that over the next decades countries will need to contend with a growing number of environmental and social risks and challenges (para 19 of the Approach Paper). These include: climate change, biodiversity loss, ocean acidification, economic and forced migration, and public health epidemics. The next generation of safeguard policies will need to help borrowers address these risks. Please describe any environmental and social sustainability frameworks used by other public or private institutions that you believe effectively address these risks, which the Bank should consider in the course of this review.

8. Please share examples of environmental and social assessment and risk management approaches (used by either public or private institutions) that are internationally recognized as good practice, which are not reflected in the current safeguard policies, but should be considered in the course of the review.

9. As part of the review process, the Bank will also consider whether and how it could potentially address a number of emerging areas (para 35 of the Approach Paper) stakeholders have asked to be considered. These include human rights; labor and occupational health and safety; gender; disability; the free, prior, and informed consent of Indigenous Peoples; land tenure and natural resources; and climate change. Do you have recommendations with respect to any of these areas?

⁸ World Health Organization, World report on disability, 2011

We believe that the World Bank has the means to play a pioneering role in the area of disability as a human right issue, and in the creation of accessible and inclusive development initiatives. Placing inclusion at the heart of World Bank policies would be a giant's step in the direction of global, safe, and harmless development operations for persons with disabilities. The World Bank's work and reputation would then create a model of inclusivity to be followed by other bilateral and multilateral donors.

In the context of these Safeguards, inclusion can only be achieved if considered for every Safeguard.

Disability across safeguards

Disability and poverty are inextricably linked⁹. Infrastructure developed without consulting persons with disabilities and that ignores their needs creates barriers to inclusion in mainstream society, including through employment, education, and participation in community life. People with disabilities also face barriers to accessing food and health services, clean water, sanitation; and malnutrition and lack of adequate healthcare frequently leads to or exacerbates disabling conditions. War and conflict in many developing and transitioning countries results in a higher number of people with disabilities due to violence and trauma¹⁰, on top of the already higher levels of violence targeted at vulnerable populations, including people with disabilities as highlighted in the World Report on Disability¹¹.

Disability affects approximately one billion people around the world, 80% of those in developing countries, yet persons with disabilities have been systematically left out of development programs and policies. This exclusion hinders their rights and subsequent opportunities to benefit from national programs, including poverty reduction projects.

People with disabilities must be included and consulted in development programs, and the World Bank plays a pivotal role in ensuring inclusive development around the world. The World Bank must take the lead in inclusive international development by mandating systematic, cross-cutting integration of inclusive development accessible to persons with disabilities into World Bank operations, ensuring that all relevant Bank-funded projects are inclusive in design and implementation – as well as in review and assessment processes such as this consultation – and ensuring strong, clear policy language on inclusive development accessible to persons with disabilities in the safeguards.

It is critical that the needs and rights of persons with disabilities are explicitly and systematically ensured through the adoption of strong, clear policy language on inclusive and accessible development when planning for certain types of programs and projects in sectors such as transportation and tourism; building infrastructure; communication and information technology infrastructure; social programs such as education, employment, and health; and reconstruction work in the aftermath of disasters. The policy language should be consistent with the UN Convention on the Rights of Persons with Disabilities, the most robust international standard on the human rights of people with disabilities.

The World Bank's Environmental and Social Safeguard Policies are designed to mitigate social

⁹ Mitra S, Posarac A, Vick B. Disability and poverty in developing countries: a snapshot from the world health survey. Washington, Human Development Network Social Protection, 2011

¹⁰ World Health Organization, World report on disability, 2011, p.34

¹¹ World Health Organization, The World Bank. World report on disability, 2011, p.59

and environmental risks associated with World Bank investments. But, as they stand now, the rights of people with disabilities and inclusive development accessible to persons with disabilities have not been addressed in these policies.

As a result, the World Report on Disability shows that people with disabilities, often some of the poorest and most vulnerable people in countries where the World Bank has its projects, are not systematically consulted or considered in the planning and design of projects. In order to avoid this lack of inclusion, a disability should be treated as a cross-cutting issue across all existing and future Safeguard Policies.

In order to achieve this, the World Bank must ensure that persons with disabilities are afforded full and effective participation and inclusion in society as well as equality of opportunity; that they benefit from and participate in Bank-funded operations; and that adverse impacts of Bank operations on them are avoided or mitigated if impossible to avoid. For inclusive language, we will refer to the UN Convention on the Rights of Persons with Disabilities.

Specific instances must be established when disability provisions would be triggered in the Safeguards framework. As to those triggers, the Bank should develop, in collaboration with DPOs and persons with disabilities, criteria that it will use to compare borrowing countries' standards on disability to those of the Bank's when preparing projects that trigger the disability provision of a specific Safeguard. The borrowing country's standards should apply to the project only if they are equivalent to or are more advanced than the Bank's. Otherwise, the Bank's standards should apply.

We would ask that the World Bank undertake screenings, by including persons with disabilities and DPOs in local communities, to determine whether the project has the potential to benefit or adversely impact persons with disabilities in the project area. If so, the disability provision would be triggered, then the Bank should include a disability component within the existing social and environmental impact assessment in order to determine the potential disability-related positive and negative impacts of the project and to examine project alternatives in case of adverse impacts. The Bank should require the borrowing government to develop a plan that lays out specific measures for ensuring that persons with disabilities benefit from and are not adversely affected by the project.

Additionally, the World Bank should create an inclusive process for consulting persons with disabilities and local DPOs at the different stages of the project from design to implementation and evaluation and suggest appropriate ways to accommodate their needs.

10. An objective of this review is to evolve the safeguards policies into an integrated framework that would serve as the basis of a shared commitment between the Bank and its borrowers to environmentally and socially sustainable outcomes. Do you have any recommendations to guide the Bank in this effort?

A cornerstone of the policies should be a requirement that the Bank undertake and require borrowers to undertake human rights due diligence – to identify all potential impacts on human rights, especially for the most vulnerable categories such as persons with disabilities, for every

project or program that the Bank finances, and to take all necessary measures to address adverse impacts. This type of inclusive rights-based safeguards should apply to all types of World Bank-supported activities, and not be limited to projects relating to social protection. In that context, an underlying human rights-based approach is needed that is comprehensive, covering the full range of relevant human rights issues such as, but not limited to, labor rights, non-discrimination, the rights of persons with disabilities, and women's rights. The World Bank must work within the UN international framework, and ensure that borrowing countries are following the UN standards on human rights issues. For persons with disabilities, that framework is the CRPD. The World Bank should also adopt binding disability rights standards to monitor borrowing countries' compliance with inclusive development practices.

11. How can the Bank better support borrowers in their efforts to strengthen their systems and institutions with respect to environmental and social safeguards practices to yield more sustainable results on the ground?

Disability needs to be understood in the context of creating enabling societies and human rights. Therefore, in order to operationalize the inclusion of disability in a safeguards framework, it is necessary to raise awareness and build the capacity of Bank staff and implementing government counterparts on the importance of a systematic integration of disability into Bank operations. The Bank should also invest in providing technical support to borrowing countries, in order to help them implement the Safeguards, specifically when it comes to the disability side of things.

It is evident that objective results on the ground for the most vulnerable groups will only be seen if the Safeguards Policies are fully implemented and designed inclusively from the start. In that context, the Bank must set up clear internal standards for monitoring safeguard-affected projects to ensure the essential and systematic integration of disability. The Bank must also give itself the means to hold the projects it supports accountable for their inclusivity of all, including persons with disabilities. To those effects, the World Bank should set up a robust central unit of environmental and social experts, with adequate budget and an appropriate reporting line, in order to have an institution able to assess continuously and thoroughly the implementation of safeguards policies. This monitoring process of the implementation of the Safeguards, just as the creation and implementation itself, should include persons with disabilities and local DPOs. It is especially important since the persons most informed regarding inclusivity of the Safeguards would be persons with disabilities themselves.

12. Do you have any additional comments or suggestions?

The objective of the safeguard policies is to protect people, their rights and their environment. This review should prioritize the human face of safeguards. Vulnerable groups, such as, but not limited to, persons with disabilities, should be addressed strongly and actively, in all relevant safeguard policies.

Submit your feedback to safeguardconsult@worldbank.org