CSOs experience in public participation in IFIs funded projects

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CSOs assessment of situation

- European Development Banks (EIB&EBRD) refer to Aarhus convention in their policies
- There is limited knowledge of Aarhus conventional and article 3.7 among country representatives in the board
- Most of disclosure of env information (except EIAs) is passive, web information are frequently outdated.
CSOs assessment of situation

- Economic situation is frequently used to reduce IFIs “high standards” (there are number of recent cases, where CSOs dispute the EBRD categorisation of projects – which restricts application of EIA)

- There is trend of increased funding through intermediaries (bank, equity companies, special fund) - which restricts application of policies as those intermediaries are obliged to apply EBRD&EIB policies only to limited degree

- Major problem is access to environmental conditions in contracts
CSOs assessment of situation

- Compliance processes are very lengthy which restricts access to justice
- Paradoxically the EIB Mechanism blocks access to European Ombudsman
- There are attempts to influence and reduce independence of compliance mechanisms
  - The EIB Management Committee blocks/delay cases to be proceeded according to the Complaints Policy (European Ombudsman in its recent investigation regarding the delays in Bujagali Case confirmed that delays were caused by a lack of sufficient human resources in the Mechanism and internal pressure in the EIB that delayed release of the CM report EO 2288/2011/MMN dated 17.01.2013).
Recommendations to Focal Points

- To contact their country representatives in EIB&EBRD to provide training/feedback on policies
- To participate directly in EBRD review its Environmental and Social Policy, Public Information Policy and Compliance Mechanism in 2013
- To provide comments to the EIB Env&Social Handbook.
Key points to emphasize

- Releasing of environmental requirements that are included into project contracts
- Substantial increase of requirements to fulfill policies for project funded through financial intermediaries
- Automatic disclosure of environmental information (eg. monitoring reports)
- Publishing staff environmental appraisal reports before Board decisions
- Establish registers of env. information in IFIs
Key points to emphasize

- Ensuring that compliance mechanisms provide response in timely manner
- No management influence over compliance
- Increase capacity of compliance mechanisms (in terms of staff and experts)
- Binding requirements the projects sponsors must inform public about possibilities to submit complaints
Thanks for your attention!

Suggested reading: Bankwatch Policy Briefings

- Revision of EBRD 2008 Environmental and Social Policy
- Review of the EBRD's Project Complaint Mechanism – comments on the existing policy