

**UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters
(Aarhus Convention)**

Thematic Session 3: Policy reviews by international financial institutions

11:30 – 12:35, Thursday, June 20, 2013

Salle V (Bld A, Door C6, 1st Floor)

Selina Jackson Talking Points

- Good afternoon everyone. My name is Selina Jackson. I am the Special Representative to the UN and the WTO in the World Bank Office in Geneva, and I am part of the External Affairs unit within the Bank.
- I would like to thank the Aarhus Secretariat for inviting the World Bank to speak at this session and provide an update on where we are in the process of updating our environmental and social safeguard policies for investment lending.
- The World Bank's safeguard policies are a cornerstone of its support to sustainable poverty reduction. These policies were put in place to prevent and mitigate undue harm to people and their environment in the development process.
- These policies have served the Bank, its client countries, and the development community well over the past two decades. The effectiveness and development impact of projects and programs supported by the Bank has substantially increased as a result of attention to these policies.
- In so much of what we do, and what these policies stand for, we believe that we are supporting the implementation of this essential convention, and our relationship with it, and its objectives, are important to us.
- We are undertaking this review of the policies in the spirit of continuous improvement and to face the changing needs of our client countries in addition to the changing landscape of external environment. Ultimately the objective of the Review is to strengthen the effectiveness of the policies to better achieve sustainable outcomes of WB-funded operations.
- We have been asked to be here to help ensure that you are fully aware of the process that is currently in place to update our safeguards, and that you understand how you can be engaged.

- Let me begin by briefly summarizing the scope of the review process:
- The review is part of our institution's broader modernization agenda, which also includes separate but complementary reviews of investment lending and operational procurement policies.
- It is important to note that this is a process to review and update the core eight environmental and social safeguard policies that apply to investment lending, thereby covering the bulk of Bank's efforts in project finance.
- The starting point for the review is a comprehensive study completed by the Independent Evaluation Group in 2010, which is publicly available, and that sets out the strengths and weaknesses of the current policies.
- It is anticipated that the review will lead to a new "integrated framework" that aims to improve the current safeguard structure which consists mainly of operational policies and Bank procedures. This current structure was developed in piecemeal fashion and has never been reviewed as an organic whole. An Integrated Framework could provide an overarching policy statement or set of principles coupled with binding policies and procedures and a set of guidance materials. It should help provide clarity of roles and responsibilities among the Bank and the borrowers.
- I think it is important to note that WB President Kim has made a commitment that there would not be any dilution of the safeguards. "Dilution" does not mean text won't be changed. Only that the new policies will be as - or more -effective.
- The three-phase approach to the review was endorsed by the Committee on Development Effectiveness of the World Bank's Board of Executive Directors on October 10, 2012. Each phase of the review includes consultations with multiple stakeholder groups to elicit input from interested stakeholders in a broad, inclusive and transparent manner.
- So where does the process now stand?
- The consultation period of Phase 1 of the two-year process ended on April 30, 2013. Consultations took place in ten donor and twenty borrower countries. During this period a diverse range of stakeholders shared their views on how to shape the next generation of safeguard policies.
- These views were shared with the Bank through expert focus groups, online submissions, submissions of papers, and face to face meetings in these 30 countries. An

overview summary report of all input received is available on the dedicated website (www.worldbank.org/safeguardsconsultations).

- Allow me to provide you with a few takeaways of what was heard during this process.
- As this description has not yet been presented to our Board, please accept that I am limited in what I can say at this point in time. Nevertheless, I can tell you that it was clear during this process that there are diverging views on some key issues, sometimes between developed and developing countries and sometimes within each group.
- One of the important questions that has been debated is the so-called "emerging areas" - climate change; human rights; free prior and informed consent; land tenure and natural resources; gender; disability; and labor and occupational health and safety. These emerging areas address topics or issues that are not always captured in the current safeguard policies. Some participants urged the Bank to expressly capture and address all of these areas in the updated safeguards. Others stated that the Bank was not the right forum to address these issues given the assigned roles of other agencies or that other settings may be more appropriate. Some also argued that the Bank approach to safeguards may address some of these issues differently than would the private sector.
- Another area that was discussed was whether the Bank should move more quickly toward the use of borrower's systems instead of a current system that relies wholly on the safeguard policies.
- Some borrowers see the current use of safeguard policies as redundant, in that it in effect is requiring borrowers to develop projects that comply with **both** the Bank safeguards and their domestic law. Borrowers who raised this point noted that their domestic laws and institutions have evolved into something far stronger than they were at the time the Bank's safeguard policies were adopted.
- Perhaps most pertinent for this group is to know what comes next in the safeguard update and how you can be engaged. There will be a technical briefing of the World Bank Board of Executive Directors on the 23rd of July. The Board represents the Bank's 188 member governments. It is the Board which has the role of deciding whether to approve the policies. At that technical briefing, World Bank management will inform the Board of what it heard during the first phase of the consultations and share what was learned from benchmarking other development banks' safeguard models.
- Once the Board has been briefed, and assuming the Board is supportive, Management

would then develop a draft Integrated Framework to be brought back to the Board toward the end of this year. Therefore, if things go according to plan, a second phase of consultation on this draft Integrated Framework could start near the beginning of 2014.

- That second phase of consultation will provide greater opportunities to engage with World Bank management and staff both in person and on line, and we look forward to your participation in this process.
- Ways to provide input to the process include:
 - Website: www.worldbank.org/safeguardsconsultations
 - Through country's World Bank Executive Directors office
 - We will organize consultation sessions with affected communities;
 - Civil Society Groups have organized themselves
- Let me conclude by noting that you can follow this process in extensive (excruciating) detail at the website where you can find the paper that sets out the approach we are taking, details on each of the consultations that have taken place so far, along with summaries of those consultations, and summaries of meetings with "external focus groups" who helped provide input on new emerging areas under consideration. In addition, all comments that we have received are posted and reviewed and, as appropriate, responded to.
- As an aside (not necessarily specific to the Safeguard review), you may wish to know that the WB recently revised our policy of Access to Information which provides greater transparency to WB documents and additionally provides an appeals process. Access to the Safeguards review documents is not an exception.
- In conclusion, I'm sorry that my colleagues that are specifically involved in the development of the Safeguard review couldn't be here today, but I was encouraged to let you know that if you have any questions that can't be answered on the website, I will take them back and ensure that you get a prompt response.