

Environmental and Social Safeguards: a civil society perspective

GEF-NGO Network



Background

- GEF Secretariat requested initial comments from the GEF NGO Network on 15 April 2011 with a 5 day deadline. Documentation was provided only in English
- Comments from civil society members of the GEF-NGO Network
- Comments were provided by the Network – but were mostly not incorporated.
- Final version of paper obtained on 25 April
- Sought out specific expertise for the various subject areas
- Continued consultation among members since then

Our comments

A cluster of light blue and yellow hydrangea flowers is the central focus, surrounded by large green leaves with serrated edges. The background is a soft, out-of-focus green.

- Architecture of an effective Safeguard System
- Substantive comments to the text of the proposed safeguards

Architecture

The items that should make up a safeguard system

- The Safeguards
- Monitoring of implementation and enforcement in cases of non-compliance
- Reporting requirements
- Grievance Mechanism for external complaints
- Access to Information

Monitoring

- The proposed GEF Policy has no mention of any system for monitoring or following up the *actual practice* of the executing agencies that it assesses meet these minimum criteria for project implementation.
- This is particularly surprising given the recommendations provided to the GEF Council in November 2010 that “recommended that the GEF adopt a principles-based approach to assess whether GEF Project Agency applicants have adopted *and are applying* adequate environmental and social safeguard policies to their projects”.

Monitoring and Enforcement

- No requirement for regular 're-accreditation' of agencies to review their practice
- If an agency fails the initial assessment of compliance, there will be a time-bound plan to bring them into compliance
- However – there will be continued access to GEF funds during the period of non-compliance (p. 7 para 26)

Recommendation

- The proposed safeguard system must include a monitoring system under which the GEF would assume responsibility for spot-checking of agency application of policies and requirements to meet the GEF principles
- The GEF must undertake a review of effectiveness with indigenous peoples, civil society and affected communities after three years

Recommendation

- Where projects implemented with GEF financing fail to meet the objectives outlined in the GEF safeguard principles, there must be an avenue for affected peoples or persons to raise these concerns with the GEF directly, in a manner and form appropriate to them.
- Strengthen and enhance the existing GEF complaints mechanism.

Information Disclosure

- The quality of the disclosure policies of the GEF implementing agencies vary;
- GEF should adopt an Access to Information Policy that will apply across the board for all executing agencies to ensure consistency in approach
- a consolidated policy would provide a consistent approach to transparency across all its projects and the Secretariat



The Safeguards

Social impact assessments

- The GEF has historically recognized the social dimension of its projects and investments, not least through its adoption of the Public Involvement in GEF-financed Projects Policy, approved by the GEF Council in April 1996.
- The E&S safeguard policy is defined as having the key objective to “ensure that the delivery of GEF assistance does not lead to negative environmental and social impacts”.
- It is impossible to see how this objective could be met if the GEF does not even require that its’ executing agencies assess what negative social impacts are possible, probable or expected.

Recommendation

In line with the objective of the proposed policy, the first mandatory safeguard should be expanded and re-defined to fulfill the emerging international standard for impact assessments for development agencies, an environmental ***and social*** impact assessment system.

'Do no harm' is not enough

- The safeguards are put forward as a framework for 'do no harm' in GEF financed investments and projects. Conversely, the Policy on Gender Mainstreaming is described as a positive 'do good' framework for the GEF investment assessments.
- While the utility of a safeguard system in 'safeguarding' potentially impacted areas and people(s) is clear, and certainly forms an absolute minimum for protection of the rights of indigenous peoples and other affected communities, such a system must not preclude positive action to proactively address the cause of social disadvantage, environmental damage or loss of biodiversity.

Proactive engagement with indigenous peoples

- Safeguard standards for indigenous peoples have undergone significant changes over the past ten years, largely as a result of advocacy by indigenous peoples themselves.
- They have consistently argued for a development paradigm that views them as active partners in development investments and conservation activities impacting on them, and as part of this have emphasized their right to free, prior and informed consent over such projects and investments.
- In line with UN standards, including the UN Declaration on the Rights of Indigenous Peoples, and operational documents such as the UNDP Policy of Partnership with Indigenous Peoples, the GEF should instead engage proactively in promoting the interests and rights of indigenous peoples.

Recommendation

- There should be specific reference in the safeguards to appropriate guidance on the GEF mandate and priorities for ‘doing good’ in the specific safeguard areas
- We also fully support the recommendations of indigenous peoples for the development of a pro-active policy of engagement with indigenous peoples

Other issues

Public Involvement

- The GEF has an existing policy of Public Involvement. As this policy already forms a set of minimum requirements for GEF grantees and executing agencies, it should be incorporated into the safeguard system being proposed. This requires its incorporation into agency assessments, monitoring and follow-up activities of the GEF.

Exclusion List

- We note the welcome inclusion of no-financing criteria in Safeguard 2 on Natural Habitats. In line with other international financial institutions, a specific set of activities that will not be financed by the GEF in any instance should be developed. Such lists are already adopted by a number of GEF agencies. Such an exclusion list would include, for Safeguard 5 on Pest Management, for example - a prohibition on use of pesticides and other chemicals specified as POPs under the Stockholm Convention can be used or purchased or promoted by projects supported by GEF.

Detailed Recommendations

- Detailed recommendations for modification of current draft Standards are provided.

Overall Recommendations for Council Action

- Delay the approval of the E&S Safeguards to permit further review and consultations with GEF related conventions, GEF agencies and civil society to enable the drafting of a revised proposal for a comprehensive and effective safeguard system.
- Instruct the Secretariat to initiate drafting of a policy of engagement with indigenous peoples with the full and effective participation of indigenous peoples. Provide appropriate and sufficient resources to support this process.
- Decide to develop, with consultation with civil society, a process to update the existing GEF Policy on Public Involvement including specific elements on access to Information as well as clear guidelines for the implementation of the policy.