

Environmental and Social Safeguard Standards

GEF-NGO Network
Feedback and Concerns

Positive Steps

- Inclusion of a standard specifically on accountability and grievance mechanisms and further development of the CRC role
- Development of 'key principles' including no-go financing
- Coordinated presentation
 - Further cross-referencing of the Public Involvement Policy
 - Highlight Indigenous Peoples' Policy
- Steps taken towards inclusion of FPIC
- Institution of a requirement to review the policy in 2015
- Let's finalize a strong policy

Weaknesses

- Lack of clarity of key terms
- No enforcement through suspension of accreditation to existing agencies
- Agencies can receive financing while not in compliance with the standards
- Involuntary resettlement allowed but not funded
- Involuntary resettlement of people with no formal titles
- 'Critical natural habitats'
- Lack of reference to good practice and appropriate guidance for the agencies
- Lack of application to the World Bank
- Significant concerns with FPIC formulation

Clarity of Key Terms

- Free, prior and informed consent – should be in terms and definitions
- Involuntary resettlement – should be in terms and definitions, specifically to confirm that the term includes reference to the involuntary restriction of access to lands and resources

Accreditation

- Accountability has been introduced through a monitoring system in which re-accreditation of agencies occurs on a regular basis (5 years) – approved currently for Project Agencies, or new agencies coming in
- The review of accreditation should involve establishing a small panel of experts to conduct an assessment of compliance with these standards based on a sampling of project completion reports, review of reports released by the Agency's own compliance and/or evaluation mechanism(s) and any complaints received by the CRC
- The review should also be applicable to all GEF implementing agencies

Financing in Areas of Non-Compliance

- In cases where an Agency does not meet a standard, the consultants will collaborate with the GEF Agency to develop a time bound action plan for coming into compliance with the relevant standard. This process should follow a participatory process between the consultants and GEF Agency. Agencies will continue to be able to seek GEF financing while they are implementing their time-bound action plans *for projects which do not require the safeguard standard that the Agency has failed to comply with.*

Resettlement

Key Principles

(d) biz. The GEF shall not finance projects that result in the displacement of indigenous peoples from their traditional and customary lands, territories and resources.

(d) GEF projects shall seek to avoid involuntary resettlement ~~where feasible~~. Where it is not **possible** to avoid resettlement, all efforts will be made to minimize involuntary resettlement and all viable alternatives will be explored. ~~In this context, GEF will not finance the cost of physical relocation or displacement of people.~~

Resettlement: Minimum Standard 3

Paragraph 29: “For those without formal legal rights to lands or claims to such land that could be recognized under the laws of the country, provide resettlement assistance in lieu of compensation for land to help improve or at least restore their livelihoods”

What of those with customary or collective rights which are inherent but not recognized by governments?

‘Critical Natural Habitats’ – why we are worried

- Does not refer to type or quality of the ecosystem and therefore it implies that it does not include all intact forests, wetlands and other eco-systems if they are not government declared as protected areas
- Different, contradictory definitions provided for ‘critical natural habitats’ and ‘critical forest areas’
- Refers only partially to IUCN guidelines, including reference to management categories BUT NOT to governance types, in particular to protected areas managed by indigenous peoples, thereby excluding areas we consider of critical importance

Protected Areas

- Protected areas are defined:
- by the Convention on Biological Diversity as “a geographically defined area, which is designated or regulated and managed to achieve specific conservation objectives”
- and by the International Union for Conservation of Nature (IUCN) as “a clearly defined geographical space, recognised, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values.”

Protected Areas

- IUCN classifies protected areas in terms of six categories based on management goals and four governance approaches (governance by governments, shared governance, private governance, and governance by indigenous peoples' and local communities).
- The CBD in its Programme of Work on Protected Areas also recognizes the importance of the recognition of diverse protected area governance approaches, including “areas conserved by indigenous and local communities” or ICCAs (Indigenous peoples' and community conserved areas).

Reference to Good Practice

- Appropriate references to good practice developed under the Conventions for which the GEF provides financing
- Akwe: kon Guidelines for the Conduct of Cultural, Environmental and Social Impact Assessments Regarding Developments Proposed to Take Place on, or which are Likely to Impact on, Sacred Sites and on Lands and Waters Traditionally Occupied or Used by Indigenous and Local Communities

Application to the World Bank

- As previously argued, we feel that this policy should be applied to the World Bank
- The policy now states two different applications to the World Bank:
 - The WB will not be assessed according the minimum standards (Paragraph 49)
 - GEF will not assess the World Bank according to this policy (paragraph 41)

Free, Prior and Informed Consent

- The GEF NGO Network is seriously concerned with the formulation of free, prior and informed consent as currently proposed
- We will turn this issue over to our colleagues ...