

Phase 1 Consultation (Oct 2012 – April 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 mid-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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BirdLife International

Organization Type (*Important, please select one):

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

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?

The restriction of the Safeguards review and the application of the updated Safeguards solely to Investment Lending (IL), which is a decreasing element of World Bank operations, is a significant issue. The approach paper and Bank officials have stated that they wish to harmonize safeguard policies, but restricting review and application solely to investment lending goes against this goal.

The safeguard review and the updated safeguard framework should be applied to all World Bank operations including Program for Results and Development Policy Lending. Investment Lending currently accounts for 66% of bank operations, but due to changing bank priorities and loan arrangements this is to decrease in the coming years as the percentage of lending through Development Policy Loans (increased from 27% in 2008 to 40% in 2009)¹, Program for Results, Technical Assistance, and financial intermediaries is expected to rise. Investment Lending is expected to account for just 16% of bank operations² into the future.

Development Policy Loans, Program for Results, Technical Assistance, and financial intermediaries are

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<http://web.worldbank.org/WBSITE/EXTERNAL/PROJECTS/0,,contentMDK:20120732~menuPK:268725~pagePK:41367~piPK:51533~theSitePK:40941,00.html#investment>

² <http://insights.wri.org/news/2011/04/world-bank-vs-world-bank-protecting-safeguards-modern-international-institution>

not governed by the safeguard policies but by distinct and often much weaker policies. Therefore we believe the review and the updated safeguards should be applied to all IDA and IBRD activities, while MIGA and the IFC are covered by the Performance Standards. The African Development Bank has recognised that there is a need for all its activities to be covered by safeguards and is set to apply its safeguard policies across all its operations. The Approach paper states: *“The review and update process will consider the benefits of policy harmonization and coherence with relevant aspects of other sustainability frameworks and recognized global good practices. The review and update will take note of recent safeguard updates by other MDBs, particularly those that address both public and private sector borrowers”*. As a Global leader, the World Bank should set an exemplarily example to other organisations and institutions, who may be developing or refining their own safeguards; failure to incorporate additional lending vehicles undermines policy harmonisation.

We welcome the opportunity to submit our initial comments and stress the need for additional consultation with a wide number of stakeholders and interested groups. During the additional phases of consultation we would welcome the opportunity to directly comment on at least two detailed drafts of the safeguards, in addition to the broad safeguard framework which we understand will be the outcome of this initial phase of consultation.

The Bank should always follow the precautionary principle, which is the fundamental safeguard mechanism. BirdLife International would like to note the following points in relation to updating the current safeguard policies:

- **OP4.1 Environmental Assessment**

Can be improved to reflect international best practices and guidelines (we have indicated some good practice guidelines in Q8). The International Association for Impact Assessment (IAIA) has a range of guidance material on best practice for impact assessment³. These best practice guidelines and initiatives and dialogues such as the CBD voluntary guidelines for the biodiversity inclusive EIA and SEA, and the World Resources Institute methodology for the inclusion of ecosystem services into impact assessment should be reviewed and integrated into any framework and referenced⁴ appropriately.

To adequately safeguard the environment and biodiversity, impacts must be appropriately assessed, and all the stages of an impact assessment must be completed to a high standard by qualified individuals. Standardized assessment, which is repeatable and delivers robust and scientifically accurate results, is preferable. Where species-specific assessment are required (for example birds), the techniques used need to be reviewed by recognized experts prior to use, and need to be carried out by qualified individuals.

One of the most important aspects to be improved is the **implementation** of any management plan as part of the impact assessment, whether this is an Environmental Management Plan or an Environmental and Social Management Framework. The Bank must ensure, by retaining ultimate responsibility, that borrowers/clients fulfill their obligations.

Cumulative impacts need to be assessed in relation to World Bank funded project and programmes, and this should be strongly referenced in any updated framework. Incremental effects over a landscape or seascape could lead to impacts both on species populations, and habitats. The ecosystem approach as defined and endorsed by the CBD provides good general principles, as do landscape approaches to

³ <http://www.iaia.org/iaiwiki/biodiv.ashx>, <http://www.iaia.org/publicdocuments/special-publications/SP3.pdf> and <http://www3.webng.com/jerbarker/home/eia-toolkit/overall/home.html>

⁴ <https://www.cbd.int/impact/guidelines.shtml> and <http://www.wri.org/publication/ecosystem-services-review-for-impact-assessment>

conservation. Projects can also create barriers to movements, especially in migrating species, and break linkages across a landscape or region. The World Bank should seek to minimize habitat fragmentation and maintain linkages and corridors at a landscape scale.

Indirect impacts should also be considered as part of any assessment, and it is essential any project categorization takes indirect impacts into consideration. Indirect impacts have a lower predictability and are less easily definable than direct impacts. They often occur at a larger geographical scale, and a lower intensity than direct impacts. They often occur due to the operation of a project and its associated features, for example inward migration as a result of a project could lead to increased pressure on natural resources, or access roads could increase habitat fragmentation and increase access to previously inaccessible areas.

The World Bank should carry out **Strategic Environmental (& Social) Assessments (SEA)** for Country Assistance Strategies and there should also be an SEA for any sectoral funding for each country e.g. the energy sector, to ensure that developments are sustainable in the long-term, and help guide developments in a strategic and planned manner. SEA methodology and outcomes should be made publically available for comment, and expert groups and affected communities should be invited to input into the SEA processes.

Within any impact assessment, there should be a strengthening and application of the mitigation hierarchy: “avoid, mitigate, restore or rehabilitate and offset”, enhancement should also be integrated in the impact assessment processes this can help achieve the Banks stated objective of ‘do good’. The primary objective of any World Bank project or programme should be to avoid any negative impacts, but we would expect any Bank funded operations to meet its mandate of poverty reduction, and delivering lasting sustainable development. Therefore Banks operations should by their very nature be ‘do good’ or have a positive impact on biodiversity. **Doing good and achieving positive impact does not necessarily mean using biodiversity offsets (which are the final stage and last resort of the mitigation hierarchy), rather Bank operations should set out to achieve an overall positive outcome in relation to projects and programs and should contribute to the achievement of the Aichi targets.**

All projects and programmes which have any impact on habitats must be assessed appropriately, using site specific methodologies to ensure the habitat and species are appropriately assessed. The methods used to undertake such an assessment will require expert review prior to commencement to make sure they are appropriate, this is essential where project/or programmes will impact on rare, endangered or vulnerable species, which may require specific methodologies.

For the disclosure of EIA (or ESIA) information, all of the EIA should be available for review and consultation. The borrower/client should be required to submit this information for disclosure on the World Bank's website, and also at the national level. All stages of the EIA and all documents should be made accessible as part of any information disclosure.

In addition, the ecological and environmental data generated as part of an impact assessment should be made publically available and accessible. The Global Biodiversity Information Facility (GBIF)⁵ has developed in partnership IAIA, Best Practice guidelines for publishing EIA related biodiversity data⁶. The World Bank should engage in dialogue with the GBIF to develop a strategy and mechanism for the publication of such data. Where data or documents are not made available, a reason should be given for such an action e.g. commercially sensitive or presence of a CITES listed species. Presence of such circumstance must not be used as a justification for withholding the publication of a whole document

Any Environmental Management Plan or Environmental Management Framework System should also be made available at the project site level to affected communities and interested groups in a locally

⁵ <http://www.gbif.org>

⁶ http://www.iaia.org/publicdocuments/special-publications/sp7_web.pdf

appropriate language in a culturally appropriate way.

In relation to monitoring and reporting, the World bank should require borrower/clients to:

1. Establish and maintain procedures to monitor the progress of implementation of safeguard plans, including any ESMP or ESMF.
2. Verify the compliance with safeguard measures and their progress toward intended outcomes,
3. Document and disclose monitoring results that identify necessary corrective and preventive actions in the periodic monitoring reports,
4. Follow up on these actions to ensure progress toward the desired outcomes,
5. Retain qualified and experienced external experts or qualified NGOs to verify monitoring information for projects with significant impacts and risks,
6. Use independent advisory panels to monitor project implementation for highly complex and sensitive projects, and
7. Use participatory monitoring where appropriate, for example REDD+ projects and MRV
8. Submit periodic monitoring reports on safeguard measures as agreed with the Bank.

As with the current OP for projects likely to have significant adverse environmental impacts, the borrower/client must retain qualified and experienced external experts or qualified NGOs to verify its monitoring information, and indicate whether such monitoring is appropriate and delivers.

The borrower/client must document monitoring results, identify the necessary corrective actions, and reflect them in a corrective action plan (adaptive management). The borrower/client must implement these corrective actions and follow up on these to ensure their effectiveness. Ultimate responsibility must reside with the World Bank to ensure safeguards have been met and corrective actions have taken place to minimize impacts.

- **OP 4.04 Natural Habitats.**

Any new safeguard must recognize the crucial importance that biodiversity and ecosystems play in delivering sustainable development and contribute to its protection and the sustainable use of resources. As the World Bank's own report states *"Biological resources provide the raw materials for livelihoods, sustenance, medicines, trade, tourism, and industry. Genetic diversity provides the basis for new breeding programs, improved crops, enhanced agricultural production, and food security. Forests, grasslands, freshwater, marine, and other natural ecosystems provide a range of services, often not recognized in national economic accounts but nevertheless vital to human welfare including regulating water flows, flood control, pollination, decontamination, carbon sequestration, biodiversity conservation, and nutrient and hydrological cycling. Terrestrial and oceanic ecosystems play a significant role in the global carbon cycle. Protection and sound management of natural ecosystems maintain carbon sinks and provide natural solutions and services that enable societies to adapt to climate change"*

The role of ecosystems and the delivery of ecosystem services need to be reflected within the new safeguard approach. Ecosystem services as defined by the Millennium Ecosystem Assessment are *"the benefits people obtain from ecosystems. These include provisioning services such as food and water; regulating services such as flood and disease control; cultural services such as spiritual, recreational, and cultural benefits; and supporting services, such as nutrient cycling, that maintain the conditions for life on Earth"*. Any inclusion of ecosystem services must reflect the reality that ecosystem services are better delivered through natural high diversity habitats which can deliver multiple co-benefits. The continued delivery of ecosystems services through high diversity habitats must be prioritised and safeguarded. All four services **regulation, cultural, supporting, and provisioning** must be included.

The World Bank needs to clearly define terms such as 'degradation' 'significant' and 'conversion', and these should be based on the most current scientific understanding. As with current OP 4.04 the World Bank should seek to locate projects and programmes in already degraded habitats.

World Bank should not fund projects which could hinder a countries ability to meet its international commitments in relation to achieving biodiversity targets, but should support a countries ability to meet such commitments.

Fragmentation, cumulative impacts and indirect impacts all have an effect on species and habitats and these considerations need to be integrated into any new safeguards.

BirdLife believes that an adoption of critical habitat which reflects the IFC Performance Standard 6 on biodiversity would be a significant step in regards harmonization across the World Bank group and also with other International Development Banks and the private sector.

Natural Habitats are defined as areas composed of viable assemblages of plant and/or animal species of largely native origin, and/or where human activity has not essentially modified an areas primary ecological functions and species composition.

Bank operations should not lead to conversation or significant degradation of natural habitats, there should be no change of state.

Where there is no viable alternative, and the project delivers clear development goals there should be no net loss of biodiversity in natural habitat, and preferably a net positive impact. Strict adherence to the mitigation hierarchy is essential. Any resource management operations shall be ensured to be sustainable. There should be no introduction of invasive species and the Bank shall follow a precautionary principle.

If a project is located in a natural habitat or a projects impacts (direct and indirect) are likely to impact on a natural habitat and will (or is likely to) impact on local communities and their use of such habitat or its ability to provide any ecosystem services, these groups and other key stakeholders should be consulted and there should be adequate stakeholder engagement, from the outset.

Modified Habitats defined as per PS6 as areas that may contain a large proportion of plant/or animal species of non-native origin, and/or where human activity has substantially modified an areas primary ecological functions and species composition. Modified habitats may include areas managed for agriculture, forest plantations, reclaimed coastal zones, reclaimed coastal zones, or urban/peri-urban zones.

Modified habitat does not necessarily mean degraded, they are often highly complex and have a high biological value in terms of biodiversity and delivery of ecosystem services. World Bank should ensure that client/borrower operations do not further degrade these habitats and seek to enhance their ecological potential in regards species diversity and ecosystem functioning

A critical habitat definition is a subset of both natural and modified habitat. Critical habitat includes areas with high biodiversity value, recognizing both global and national scales. Critical natural habitats include 1) habitat required for the survival of critically endangered or endangered species; 2) areas having special significance for endemic or restricted-range species; 3) sites that are critical for the survival of migratory and congregatory species; 4) areas supporting globally significant concentrations or numbers of individuals of congregatory species; 5) areas with unique assemblages of species or that are associated with key evolutionary processes or provide key ecosystem services; 6) and areas having biodiversity of significant social, economic, or cultural importance to local communities.

Critical habitats include those areas either legally protected or officially proposed for protection, such as areas that meet the criteria of the World Conservation Union classification, the Ramsar List of Wetlands of International Importance, and the United Nations Educational, Scientific, and Cultural Organization's World Natural Heritage Sites, and areas that are recognized as priority sites for conservation or are recognized as nationally important. Important Bird Areas (IBAs), Key Biodiversity Areas, Important Plant Areas and also Alliance for Zero Extinction sites should be recognized as Critical habitats. -

- IBAs.

IBAs are priority sites for conservation and are designated only when a site meets certain criteria, based on occurrence of key bird species that vulnerable to global extinction or whose populations are otherwise irreplaceable. The criteria used for site selection are internationally agreed, standardized, quantitative and scientifically defensible. There are currently 11,000 sites globally⁷.

IBAs do one (or more) of three things:

- Hold significant numbers of one or more globally threatened species;
- Are one of a set of sites that together hold a suite of restricted-range species or biome-restricted species;
- Have exceptionally large numbers of migratory or congregatory species.

This closely follows the Critical Habitat Criteria set out in IFC PS6 that should form the basis of any critical habitat assessment. A habitat shall trigger the critical habitat definition in one or more of the above criteria is met. As with PS6 other criteria for critical habitat are

- Areas required for the reintroduction of critical or endangered species and refuge sites for these species (habitat used during periods of stress (e.g., flood, drought or fire)).
- Ecosystems of known special significance to critical or endangered species for climate adaptation purposes.
- Concentrations of Vulnerable (VU) species in cases where there is uncertainty regarding the listing, and the actual status of the species may be critical or endangered.
- Areas of primary/old-growth/pristine forests and/or other areas with especially high levels of species diversity.
- Landscape and ecological processes (e.g., water catchments, areas critical to erosion control, disturbance regimes (e.g., fire, flood)) required for maintaining critical habitat.
- Habitat necessary for the survival of keystone species.
- Areas of high scientific value such as those containing concentrations of species new and/or little known to science.

No activities should take place within or affect a critical habitat, unless it is proven that there is no alternative, and there are significant benefits associated with the project proceeding, the project will not impair the ability of the habitat to function as critical habitat, and the project is defensible in relation to the mitigation hierarchy, and the client/borrower can prove that its operation does not impair a countries ability to meet its international commitments. The client/borrower must prove that the project or programmes impacts will not impair the ability of a critical habitat to fulfill its function in qualifying for a critical habitat definition. The Bank should not support projects that may threaten a critical habitats ability to carry out its function. Where projects do go ahead there should be strict adherence to the mitigation hierarchy and the project should lead to a net positive impact in relation to biodiversity and social impacts.

⁷ <http://www.birdlife.org/action/science/sites/>

Any integrated framework based on or adapted from IFC PS 6, must reflect the differing circumstances in applying such a framework to country systems. The due diligence processes must be robust, and grievance and redress mechanisms must be put in place and be accessible to local communities and affected groups. County Environmental Assessment will be required as will capacity development at the national governmental and civil society level. Risk Assessments should be directed towards the evaluation of potential adverse impacts on communities and the environment.

We do not believe that any new World Bank frameworks should adopt the risk management framework as used by the IFC which relates to private finance, and is not suitable for adoption for the World Bank in relation to these safeguards. Any risk management framework developed as part of an integrated framework must take account of the particular circumstances and characteristics of Bank operations and country lending operations.

Offsets are an option of last resorts; they should lead to at a minimum no net loss in modified and natural habitats, and ideally a positive impact, in critical habitat there should be a net positive impact. Monetary compensation measures are not acceptable in critical habitat areas. Ideally any offset should be located as close to the impact as possible, and be linked to the species/habitat which is affected.

The mitigation hierarchy and use of offsets are to be assessed on a case by case basis. There are certain elements of biodiversity that cannot be offset. Any operation which affects the designation of a critical habitat, or prevents that habitat from carrying out the function which garners that definition should not be given consent by the World Bank. Please see the BirdLife position on offsets in Q12 for more information on offsets.

- **Forest Policy 4.36:**

Any language should align with existing safeguard language in relation to REDD and REDD+ activities.

The bank should distinguish between natural forests and plantation forests.

The current definition of a forest needs to be redefined, FAO defines forest as 'a minimum threshold for the height of trees (5 m) (current WB is 2 m), at least 10% crown cover (canopy density determined by estimating the area of ground shaded by the crown of the trees) and a minimum size of 0.5 ha (current WB definition is 1.0ha).

The bank should not support operations which result in conversion of natural forest to plantation forests. Where the Bank is involved in supporting plantation forests, it must prioritise the use of native plants, and control for the introduction of invasive species.

The World Bank should distinguish between plantation forests and restored forests. Restored forests which are aligned with the critical habitat definition should be considered as such.

The World Bank should not fund industrial large scale logging operations in critical habitat/natural forests. Industrial logging operations which do not set out to achieve internationally recognized certification, which have been designed with broad stakeholder consultation should not be funded. Borrower/Clients should indicate that they are undertaking a process of certification. Where clients do not have certification they should demonstrate that they are seeking certification, if certification is not achieved they should not receive additional or further funding. There should however be recognition that traditional land management practices in relation to smallholders' activities may experience difficulties in certification and mechanism should be considered to support traditional sustainable management of communities' forest resources, which safeguard both livelihoods and biodiversity.

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

- **Categorization of projects** has not been clear. Clear procedures should be set out for categorization (and screening) on projects. Categorization methodologies need to be standardized and transparent, to enhance harmonization. The IEG evaluation stated that many projects that were classified as Cat B, should have in fact been categorized as Cat A.

Categorization of projects and programs needs to reflect not just the project site but its area of influence and indirect impacts. By area of influence we mean the total areas influenced by the project, not limited to the project footprint affected by direct physical coverage or direct effects but with associated indirect impacts like an access road increasing use of an area or changes in water quality downstream due to a habitat impact such as vegetation removal upstream. Cumulative impacts need to be taken into consideration when categorizing projects, as cumulative impacts can be significant and incremental impacts have the potential to lead to significant degradation or destruction.

Categorization should take into account impacts at the local level AND at the landscape level, for instance there could be an impacts along a migratory corridor/flyway.

The IBAT for business tool is a spatial analysis tool which has been successfully used by IFC, is a resource which can aid in screening and categorization⁸.

The Bank must list reasons why the project is categorized and this reasoning should be publicized and made available for public comment and review.

- **Impact Assessments:** requirements relating to projects classified as B (or C) should be strengthened, Category B projects still have an impact, and these impacts still need to be addressed. We believe that the difference between what is required for A and B projects is too great, and environmental harm could occur due to an investment not requiring even a basic impact assessment. Supervision and monitoring of category B projects has been an issue and this needs to be addressed in any updated framework.
- **Capacity issues:** In many countries and also within the World Bank's own offices lack of capacity has been highlighted as an issue. Results and outcomes will be enhanced where effective capacity is increased. Within the World Bank capacity issues in relation to resources, and under capacity in departments and regional offices needs to be addressed.

Internal staff training in impact assessment and biodiversity issues will increase the application of the safeguard policies and result in their effective implementation.

This is also true with borrower/clients - the move to a country system is welcomed; however at the moment many countries do not have the capacity to adequately implement a safeguard system. They do not have the environmental or information laws or the regulations in place in relation to EIA and SEA. There is also a lack of qualified personnel capacity at the national level for carrying out EIA assessments and reviews, both within national /regional governments and at the site level. The World Bank must work with national governments to increase capacity within governments and in drafting environmental laws and regulations as part of the country strategy approach, but also with Civil Society to increase capacity to engage with the impact assessment processes.

- **Use of Country systems:** Ultimate responsibility should still lie with the World Bank for World Bank

⁸ <https://www.ibatforbusiness.org/>

financed projects. They must ensure that equivalency and acceptability procedures have been undertaken in a clear and transparent manner, with appropriate stakeholder consultation, and any reports or reviews produced should be made available. Where gaps have been observed they must operate a capacity building program. There should be a phased approach to the use of country systems.

The implementation of safeguards frameworks will be strongly influenced by the presence or lack of a robust legal framework. The existence of a framework that addresses environmental, social, and economic issues that reflect the international legal frameworks of norms and standards is crucial for a country to develop safeguard policies and ensure environmental and social protection. The World Bank's own environmental strategy states "*Policy failures account for many perverse incentives in the efficient use of natural resources, and without strong institutions and governance frameworks in place, taking action to reduce environmental risks has a low chance of success*"

- **Strengthening the application of the mitigation hierarchy**, and a continued commitment to avoidance of negative impacts. Issues of cost should not be used to shirk responsibility to the rigorous application of the mitigation hierarchy.
- **Information disclosure and ease of access to environmental information** is vital. A Mechanism should be in place which makes it easier to access information related to World Bank funded projects. All information related to the Impact Assessments should be made available in a timely manner, including ecological and environmental data. As mentioned above the GBIF is an internationally recognized mechanism for biodiversity data disclosure.

The quality of documents uploaded onto the World Bank website, as part of the project information disclosure is often variable, some documents are scanned versions which require detailed scrutiny and it is often hard to read the maps that are produced. The quality of document availability should be improved.

- **Supervision and monitoring** of all projects has been an issue. This is true of both Category A and Category B projects. Although related to Financial Intermediaries the recent IEG review of IFC financial intermediaries showed that the IFC did not have sufficient knowledge on the environmental or social impacts of its funding to whether positive or negative.

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

The Inspection Panel offers a good redress mechanism. Their role should be maintained, cases in the Democratic Republic of Congo, Cambodia, Papua New Guinea and Chad demonstrate their effectiveness. Recommendations of the Inspection Panel have enabled Civil Society to more effectively engage with the Bank, but also update their own procedures to make their activities more productive. Any recommendations which the Inspection Panel makes to the Safeguard Review should be integrated into a new framework.

Clear concise safeguards, which are easy to understand and applicable in a range of different circumstances, and are global in nature. They have clearly delivered beneficial outcomes despite some inconsistency in their application.

The rules based approach of the safeguards which has allowed effective redress but also ensured compliance with the safeguards and the mitigation hierarchy and consultation. The fact that the Bank contains mandatory requirements, with mitigation measures designed before project approval, has meant that project appraisal has been reasonable.

The Bank should continue to pursue preventative measures over mitigation measures, as set out in OP 4.01 Environmental Assessment, and throughout the safeguards.

Under OP4.01, the need to retain independent EA experts not affiliated with the project to carry out the EA. For projects that are associated with high risk or contentious issues or that involve serious and multidimensional environmental concerns, the utilization of an advisory panel of independent, internationally recognized specialists to advise on all aspects of the project has been useful. We believe the continued use of recognized specialists will be essential to ensure the safeguarding of the environment and biodiversity.

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?

Of concern is the study's observation that "*[the application of the safeguards have helped avoid or mitigate large-scale social and environmental risks in the projects it financed], but many projects with substantial environmental and social impacts remain of concern primarily because of inadequate supervision and follow-up*". The IEG report states "*The Bank Group needs to expand further its focus on issues such as biodiversity and climate change, and benefit-sharing to enhance social impacts on the poor*". We believe these issues are fundamental and that biodiversity issues must be strongly reflected in any new framework.

Increased country capacity is a specific issue which the Bank must address. The IEG specifically states that the World Bank should focus on strengthening country institutions and systems to manage environmental and social risks. Until country systems are at a level that can ensure the monitoring, reporting and implementation of safeguards they should not be used. BirdLife International through its unique set up is well placed to support the move to country systems and towards managing environmental and social risks.

Categorization of projects has not been consistent. Clear guidance is needed -Evaluation Brief 15 clearly states "*There is an urgent need to issue clearer guidance to promote the use of transparent criteria for categorization. There is an equally urgent need to ensure consistency in categorization across the World Bank Group*"⁹. It should be highlighted that category B projects do have significant impacts and therefore impact assessments and appropriate management are still needed to ensure these impacts are minimized and preferably avoided.

Implementation is an issue, internal staff incentives must be restructured to ensure that safeguard procedures and policies are properly prioritized and implemented.

Another issue from the IEG evaluation is the need for monitoring and evaluation, which is robust, science-based and standardized, such that outcomes can be compared and good practices replicated. The IEG states "*better monitoring, documentation and reporting of environmental and social impacts are needed to improve the quality of cost benefit analysis*". The IEG report stated that 1/3 of World Bank projects had unrealistic safeguard ratings and weak monitoring and evaluations. Regular reporting of the implementation and outcomes of the safeguards should be a prerequisite of any funding to a

⁹ http://ieg.worldbankgroup.org/content/dam/ieg/EvalBriefs/eb_safeguards.pdf

client/borrower. These reports should be made publically available and accessible to a wide variety of stakeholders, in a culturally appropriate way.

Project supervision has constrained the ability of the World Bank to evaluate safeguard results and implementation. Completion reports for 1/5 of Category A and half of Category B projects lacked information on safeguard performance. The IEG states that *“projects with substantial impact (category-B) are not being adequately supervised and monitored. Most of these are delegated to respective sectors in the interest of increasing ownership and efficiency. This is having the perverse effect of leaving the effects of safeguards unsupervised in a large number of projects”*. This lack of supervision needs to be addressed and reflects wider issues in relation to staff incentives and capacity and resources

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

- **Precautionary Principle** is an essential safeguard and instrument for sustainable development. It should be highlighted - the issue of cost effectiveness used in the precautionary approach should not be used as an excuse for adopting measures which avoid or mitigate harm to the environment or people.
- **Polluter Pays Principle:** The OECD definition is, *“the principle according to which the polluter should bear the cost of measures to reduce pollution according to the extent of either the damage done to society or the exceeding of an acceptable level (standard) of pollution”*. For the World Bank the standard used should be an internationally recognized level, preferably of an OECD country with a high level of environmental protection and should not rely solely on an individual country’s definition.
- **Ecosystem Approach**¹⁰: and the 12 Principles of the ecosystem approach as defined by the Convention on Biological Diversity.
- **Principle 10 of the Rio Declaration**, in relation to access to environmental information, access to justice and participation. These environmental access rights are critical and fundamental measure to ensure sustainable development. Ensuring such access including prior consultation with interested groups and affected communities in an open and transparent manner, the publication or the free and accessible and availability of environmental information (including hazards associated with a project and environmental and ecological data) can generate community and stakeholder buy in to a project and make the results more efficient and achievable. It is also necessary to have specific redress and compliance mechanisms in place to ensure communities and organizations can put across their grievances and if there has been harm gain adequate compensation
- UN **“ Protect, Respect and Remedy”** Framework and Guiding Principles or Ruggie Principles¹¹
- **All ILO conventions:** International labor standards are legal instruments drawn up by the ILO's constituents (governments, employers and workers) and set out basic principles and rights at work. They are either *conventions*, which are legally binding international treaties that may be ratified by member states, or *recommendations*, which serve as non-binding guidelines. This includes the both fundamental conventions as part of [Declaration on Fundamental Principles and Rights at Work](#), but also the governance conventions identified by the ILO [Declaration on Social Justice for a Fair Globalization](#). The bank should actively promote such conventions and ensure compliance by its borrowers/clients

¹⁰ <http://www.cbd.int/ecosystem/principles.shtml>

¹¹ http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf

- **UN Declaration on the Rights of Indigenous Peoples UNDRIP:** The Declaration sets out the individual and collective rights of indigenous peoples, as well as their rights to culture, identity, language, employment, health, education and other issues. It also "emphasizes the rights of indigenous peoples to maintain and strengthen their own institutions, cultures and traditions, and to pursue their development in keeping with their own needs and aspirations". It "prohibits discrimination against indigenous peoples", and it "promotes their full and effective participation in all matters that concern them and their right to remain distinct and to pursue their own visions of economic and social development". The goal of the Declaration is to encourage countries to work alongside indigenous peoples to solve global issues, like development, multicultural democracy and decentralization.
- **All human rights principles** and a World Bank commitment to promote and achieve these completely. While human rights treaties do not contain detailed policy prescriptions they do offer a universally recognized set of principles and standards that can serve as a much needed normative framework for a sustainable development agenda as such they are an essential social safeguard.
- The World Bank should be focused on poverty alleviation and securing sustainable development now and for future generations, this includes the conservation and protection of biodiversity, which is essential.

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?

At the global level there are a number of dialogues which are taking place in regard to future development pathways, the post-2015 agenda and the Sustainable Development goals are two prominent international, multi-stakeholder consultations which the bank should be aware of, and who's outcomes should feed into any safeguards to ensure WB activities to not impinge on the ability to achieve targets and goals but are complimentary and support their achievement

The **Aichi Biodiversity targets** should be central to Bank operations. Bank operations should support the achievement of the internationally agreed Aichi Targets. Achievement of these targets, which are supported at the country level by National Biodiversity Action Strategies will help support sustainable development, enhance climate change resilience and help ensure future generations have access to biodiversity.

There are a number of other pressures which the bank needs to consider in the course of the review.

- **Increasing population growth**, and the majority of people living in cities in coastal areas. These issues need to be considered given rising resource constraints, the effects of climate change and sea level rise. Any development supported by the bank must be climate resilient.
- **Food security issues**, and the need to ensure access to food for all peoples.
- **Soil degradation:** In Africa alone 500 million ha of land is believed to suffer from soil degradation due to over grazing. There is a need to promote sustainable natural resource management
- **Nitrogen and phosphorous cycles.** Currently operating out with planetary boundaries, in both extraction and use. Nitrogen can lead to eutrophication of water courses which can have drastic effects on biodiversity and ecosystems.

- **Water Scarcity and sustainable water use:** Water scarcity already affects almost every continent and more than 40 percent of the people on our planet. By 2025 the FAO estimates that 1.8 billion people will be living in countries or regions with absolute water scarcity¹², and two-thirds of the world's population could be living under water stressed conditions. Abstraction of water is beyond sustainable levels in many catchments.
- **Invasive species:** Target 9 of Aichi Targets By 2020, states *“invasive alien species and pathways are identified and prioritized, priority species are controlled or eradicated, and measures are in place to manage pathways to prevent their introduction and establishment”* invasive alien species are one of the main drivers of biodiversity loss.
- **Ocean acidification** poses a real threat to ocean biodiversity, and the ability of the oceans to act as a CO2 sink. The rate of ocean acidification is at least 100 times faster than at any time over the last 20 million years
- **Increasing infrastructural development:** the need for hard infrastructure should be considered alongside soft infrastructure (natural infrastructural projects). Strategic planning is a necessity to ensure negative environmental externalities are minimized.
- World Bank should assist countries in **combating illegal trade in natural resources**. A recent World Bank report highlighted that illegal logging trade is valued between 8-14 billion dollars a year, a substantial loss of revenue for governments but also this is contributing to deforestation and forest degradation.

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.

- **Plan Vivo Standards¹³:** which are part of a broader framework for planning, managing and monitoring the supply of verifiable emission reductions from small-scale producers and community land-based projects. The activity promotes sustainable land-use practices defined as the planned use of land, consistent with meeting livelihood requirements, protecting soils, water courses and biodiversity.
- **REDD+ Social Environmental Standards¹⁴:** developed through an inclusive and participatory processes these standards have been effective at promotion of social and environmental safeguards related to REDD+ activities. They have been designed to be used by governments, NGOs, financing agencies and other stakeholders to support the design and implementation of REDD+ programs that respect the rights of Indigenous Peoples and local communities and generate significant social and biodiversity benefits.

¹² <http://www.un.org/waterforlifedecade/scarcity.shtml>

¹³ <http://www.planvivo.org/documents/standards.pdf>

¹⁴ http://www.redd-standards.org/files/REDDSES_Version_2/REDDSES_Version_2_-_10_September_2012.pdf

- **CCBA¹⁵** : The Climate, Community and Biodiversity Standards, developed by a consortium of NGOs helps deliver high-quality forestry, agriculture and land use climate change mitigation projects that use best practices to generate significant benefits for local communities and biodiversity.
- **Social and Environmental Principles and Criteria (SEPC)** of the UN-REDD programme¹⁶ and the Benefits and Risks tool, and participatory governance framework

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.

- **Sensitivity mapping:** Sensitivity mapping is a tool which allows for the a particular vulnerabilities of a species to an infrastructural development to be mapped and assessed, it relies on a knowledge of a species life cycle, its characteristics and morphology that make it sensitive to a particular development. It has been used to help guide developments in relation to wind farms through developing sensitivity layers for species which are vulnerable to collision with turbines. For example RSPB and SNH produced a bird sensitivity map to provide guidance for wind development in Scotland¹⁷. BirdLife International as part of the UNDP and GEF funded Migratory Soaring Bird Project¹⁸ is developing and refining a sensitivity mapping tool for the Rift Valley/Red Sea Flyway for wind energy and migratory soaring birds.
- **IBAT¹⁹:** Is a spatial mapping tool designed to support decisions in relation to categorization of projects and help guide EIA scoping and baseline information surveys. It provides access to accurate and up-to-date biodiversity information in a spatial layer with a mapping functionality, numerous data layers are available including Key Biodiversity Areas, Important Bird Areas, and protected areas. The IBAT has the ability to show projected species composition which can help inform the Impact Assessment processes by identifying key species which are potentially present across an area or at a site level.
- **World Commission on Dams framework:** The seven general ‘strategic priorities’ of WCD framework²⁰ covers key areas for the improved planning of dams, including the need to fully assess all available options for meeting water and energy needs; addressing outstanding social issues from existing dams before building new ones, gaining public acceptance for key decisions, and the importance of protecting healthy rivers. The set of 26 “guidelines for good practice” lay out specific actions for complying with the strategic priorities at five key stages of the project development process.
- **ISO 14000 series:** help promote more effective and efficient environmental management in organizations by provision of useful and usable tools for gathering, interpreting and communicating environmentally relevant information

¹⁵ <http://www.climate-standards.org/ccb-standards/>

¹⁶ http://www.un-redd.org/Multiple_Benefits_SEPC/tabid/54130/Default.aspx

¹⁷ http://www.rspb.org.uk/Images/sensitivitymapreport_tcm9-157990.pdf

¹⁸ <http://www.migratorysoaringbirds.undp.birdlife.org>

¹⁹ <https://www.ibatforbusiness.org/login>

²⁰ http://www.internationalrivers.org/files/attached-files/world_commission_on_dams_final_report.pdf

- **High Conservation Value Areas concept²¹**: The HCV concept relies on the identification of 6 High Conservation Values, which include both ecological and social values. Originally developed for forest certification through the FSC. Although initially designed specifically for forests it has also been used for other land use planning operations, and within commodity certification schemes.
- **The Addis Ababa Principles and Guidelines for the Sustainable Use of Biodiversity²²**
- **The Akwé: Kon voluntary guidelines for the conduct of cultural, environmental and social impact assessments regarding sacred sites and lands and waters traditionally occupied or used by indigenous and local communities²³**
- **CDB voluntary guidelines on biodiversity inclusive Impact Assessment²⁴**
- **Principles on ‘biodiversity-inclusive’ impact assessment** by the Biodiversity Section of the International Association for Impact Assessment (IAIA) in 2005²⁵;
- **The IAIA Capacity Building for Biodiversity and Impact Assessment (CBBIA) project**, in which the CBD and Ramsar Conventions were closely involved. The CBBIA outputs include training manuals and EIA/SEA Guidance²⁶
- **World Resource Institute Incorporating ecosystem services into impact assessment²⁷**
- **Business and Biodiversity Offset Programme standards and guidelines²⁸**: International best practice in relation to designing and implementing biodiversity offsets.
- **Global Biodiversity Information Facility (GBIF)** and specifically the Publishing EIA-related Primary Biodiversity Data²⁹
- **Transparency International's Corruption Indices** which can help in addressing country system approaches to ensure that a reliance on a country's own laws and regulations will not result in lack of positive outcomes

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?

Within the emerging area issues, the ‘Land Tenure and natural resources’, focus must take into account the role that biodiversity plays in delivering sustainable livelihoods.

²¹ <http://www.hcvnetwork.org/about-hcvf>

²² <http://www.cbd.int/sustainable/addis.shtml>

²³ <http://www.cbd.int/traditional/guidelines.shtml>

²⁴ <http://www.cbd.int/doc/publications/imp-bio-eia-and-sea.pdf>

²⁵ <http://www.iaia.org/publicdocuments/special-publications/SP3.pdf>

²⁶ <http://www3.webng.com/jerbarker/home/eia-toolkit/overall/home.html>

²⁷ <http://www.wri.org/publication/ecosystem-services-review-for-impact-assessment>

²⁸ <http://bbop.forest-trends.org/pages/guidelines>

²⁹ <http://www.gbif.org/communications/news-and-events/showsingle/article/preserving-biodiversity-knowledge-from-impact-assessment-activities-globally/%5D>

Ecosystem services need to be protected and ingrained in any decision making matrix or risk assessment. The Emerging areas need to reflect the increased prevalence given to ecosystem services (e.g. TEEB³⁰, and WAVES³¹) currently this is not adequately reflected, this is also true in relation to biodiversity which is a central component of delivery of ecosystem services but also providing the fundamental supporting role for communities and livelihoods. The 'Natural resources' sector should also consider the delivery of ecosystem services (regulating, provisioning, supporting and cultural). Ensuring access to these services and their delivery is essential in any safeguard review.

Ecosystem services are better delivered through diverse natural habitats, and delivery of ecosystem services should preferably be by natural intact ecosystems which are naturally diverse. Modified habitats should be managed in ways which enhance the provision of ecosystem services

A borrower/clients area of influence must not restrict access to any ecosystem service, or the sustainable use of a natural resource by affected communities. The World Bank should clarify what it means by a 'natural resource', and should distinguish between a resources which can be managed to sustainable and replenishable levels, and natural resources which once used to do not replenish.

Climate change is a critical driver of social inequalities, poverty, instability and potential conflicts, it will also affect species and habitats and natural systems and is one most important considerations in the upcoming development of the safeguards. At the species level, climate change may affect distribution, abundance, behaviour and other factors, with different species affected in different ways. Any programmes or projects by a borrower/client must be climate resilient. Investment should not be locked into developments which may require costly retrofitting or decommissioning. A climate risk analysis of project/programmes will aid in deciding if a project is climate resilient.

World Bank investments need to support country mitigation and adaptation actions. However inappropriate and ill planned mitigation and adaptation projects can affect birds and biodiversity. Biodiversity can increase resilience of habitats and also communities - ecosystem-based approaches (EbA) increases communities resilience to climate related impacts, events and disasters. Ecosystem-based Adaptation (EBA) is 'the use of biodiversity and ecosystem services to help people adapt to the adverse effects of climate change'. Ecosystem-based approaches to adaptation may include the sustainable management as well as conservation and restoration of ecosystems, which is part of an overall adaptation strategy that takes into account the multiple social, economic and cultural co-benefits for local communities. Biodiversity safeguards have been developed for ecosystem based approaches, and such safeguards are well suited for adoption by the World Bank.

The World Bank should carry out carbon accounting of all its activities and ensure that it is making a positive contribution to reducing Green House Gas emissions. The use of life cycle assessments should also be promoted by the bank. The bank must integrate resource efficiency into its safeguard policies.

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?

An integrated framework should be based on the fundamental principle that the banks goal is poverty

³⁰ www.teebweb.org

³¹ www.wavespartnership.org

eradication, and the commitment to sustainable development and this should include the conservation and protection of natural resources.

There needs to be harmonization with other MDB safeguards, and other Multilateral Environmental Agreements action plans such as NBSAPs, NAPAs, NAMAs and Poverty Reduction Strategies to ensure strategic implementation of development plans. Harmonization should not however mean a weakening of the safeguards, if the Bank sees itself as a standard setting organization, it should set out to achieve the best possible results.

Any 'do good approach' needs to recognize the benefits that the environment and biodiversity gives, the Bank's own biodiversity paper states "*Some Sector Management Units (SMUs) and Country Management Units (CMUs) have failed to view biodiversity conservation (or even biodiversity management issues such as invasive species) as a development issue, in part because their client countries do not consider it a priority over other organizations in this pursuit*", the bank must ensure as part of any screening and due diligence procedure that protection and conservation of biodiversity and the sustainable use of natural resources is viewed as a priority development issue.

Biodiversity loss is an issue that is particularly important, the biodiversity paper which is a component of the Environmental Strategy states "*Biodiversity is critical for maintaining ecosystems and the services they provide. One of the most important challenges of sustainable development will therefore be to reverse the current loss of biodiversity and its attendant ecosystem services*". Impacts on biodiversity and ecosystems need to be assessed appropriately. The Inspection Panel has found that the majority of policy violations related to safeguards originate from project design issues which stem from inadequate assessment and consultation with affected groups, this needs to be addressed in any updated framework.

The Inspection Panel should be officially consulted and invited to comment on the drafting of the integrated framework. It has vast experience in the implementation of existing safeguards and their recommendations will be vital in ensuring that the new safeguards have effective redress mechanisms and that the framework is a workable mechanism.

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?

Capacity development on EIA and SEA, and strategic planning frameworks to guide infrastructural projects. Work with other development banks and regional partners to increase both their own capacity and institution frameworks to ensure implementation of safeguards, and also increase the capacity in borrower/recipient countries.

Work with countries to strengthen environmental legislation and access to information legislation. It is necessary to carry out a Country Environmental Assessment, to identify gaps in environmental legislation so these gaps can be strengthened. An SEA should also be carried out for Country Assistance Strategies.

Use of Country systems should be a phased process where capacity and capabilities are developed over time.

The BirdLife Partnership is well placed through its network of national partners to support the movement to country systems and a reliance on countries' own laws and regulations. We believe there is also a role for conservation organizations which have a strong national component to ensure implementation and compliance with World Bank safeguards and also country laws.

12. Do you have any additional comments or suggestions?

Exclusion List: The World Bank should set out a strategy for divesting in operations which contribute to the release of green house gases.

Where there is investment in renewables Wind, Solar etc. there should be a proper assessment of the impacts on biodiversity. Investment in renewable energy generation is necessary to delivery low carbon growth and the reduction of greenhouse gas emissions. However, like any infrastructural investment there are associated externalities and these must be taken into account and integrated into the decision making processes and adequately assessed as part of any impact assessment.

Numerous regional publications and best practices have been produced in relation to birds and renewable energy projects for example the Migratory Soaring Birds project 'Guidance on the impacts of Wind, Solar and Power lines on Migratory soaring Birds', 'Meeting the EUs Renewable Energy Targets in Harmony with Nature'³² and within the World Bank the EHS guidelines³³ on 'Wind Power' and also 'Power Lines'. Such materials need to be referenced to ensure the necessary investments in renewable energy do not have a significant detrimental effect on biodiversity.

The current *Environmental Assessment* policy requires an assessment of the "country's overall policy framework." It should be strengthened to require the Bank and its clients to assess how subsidies and regulations may impede the Bank from achieving its sustainable development and climate mitigation objectives. It should provide clear policy direction regarding how the regulatory landscape should be assessed and how the outcomes of those assessments should be factored into project decision-making.

Addressing drivers of environment degradation is probably the most important element of any safeguard policy and this should be reflected in any new approach.

Biodiversity Offset Principles

In BirdLife's view, offsets are appropriate only in a narrow set of circumstances, where a positive benefit for biodiversity can be clearly demonstrated and assured in perpetuity. Offsets should therefore be assessed (and where appropriate designed and implemented) using a set of strict principles that is rigorously applied. Offsets will be addressed on a case by case basis. The BirdLife Principles are based on the Business and Biodiversity Offset Programme of which it is a member:

- I. No net loss: A biodiversity offset should be designed and implemented to achieve in situ, measurable conservation outcomes that can reasonably be expected to result in no net loss and preferably a net gain of biodiversity. This may require the application of significant multiplier factors, the offset being substantially larger than the damaged area to take into account risks, uncertainties, and possibly variation in habitat quality.
- II. Additional conservation outcomes: A biodiversity offset should achieve conservation outcomes

³² http://www.rspb.org.uk/Images/Renewable_energy_report_tcm9-297887.pdf

³³

above and beyond results that would have occurred if the offset had not taken place. Offset design and implementation should avoid displacing activities harmful to biodiversity to other locations.

- III. Adherence to the mitigation hierarchy: A biodiversity offset is a commitment to compensate for significant residual adverse impacts on biodiversity identified after appropriate avoidance, minimization and on-site rehabilitation measures have been taken according to the mitigation hierarchy. In planning new developments, identification of an offset will precede the realisation of impact avoidance, operational minimisation and restoration outcomes, but must be informed by stringent commitments to these aspects of planning and subsequent operation, based on the best available information. Offsets must also remain open to scaling up, if changing circumstances or knowledge mean that practical realisation of the mitigation hierarchy unavoidably falls short of what was planned.
- IV. Limits to what can be offset: There are situations where residual impacts cannot be fully compensated for by a biodiversity offset because of the irreplaceability or vulnerability of the biodiversity affected. BirdLife does not define 'no go' areas for development activities as these must be assessed on a case by case basis, taking into account the unique circumstances of each site. However, residual impacts that entail major and irreparable damage to the biological values of Important Bird Areas or other Key Biodiversity Areas, or to the populations of globally threatened or highly range-restricted birds, would usually be considered beyond the limits of what can be offset.
- V. Landscape Context: A biodiversity offset should be designed and implemented in a landscape context to achieve the expected measurable conservation outcomes taking into account available information on the full range of biological, social and cultural values of biodiversity and supporting an ecosystem approach.
- VI. Stakeholder participation: In areas affected by the project and by the biodiversity offset, the effective participation of stakeholders, including BirdLife Partners and associated Local Conservation Groups, should be ensured in decision-making about biodiversity offsets, including their evaluation, selection, design, and implementation and monitoring.
- VII. Equity: A biodiversity offset should be designed and implemented in an equitable manner, which means the sharing among stakeholders of the rights and responsibilities, risks and rewards associated with a project and offset in a fair and balanced way, respecting legal and customary arrangements. Special consideration should be given to respecting both internationally and nationally recognised rights of indigenous peoples and local communities.
- VIII. Timing and Long-term outcomes: Offsets should be identified, implemented and fully functioning before the activities causing damage go ahead. The design and implementation of a biodiversity offset should be based on an adaptive management approach, incorporating monitoring and evaluation of the areas subject to the mitigation hierarchy as well as the offset itself, with the objective of securing outcomes that last at least as long as the project's impacts and preferably in perpetuity.
- IX. Transparency: The design and implementation of a biodiversity offset, and communication of its results to the public, should be undertaken in a transparent and timely manner.
- X. Science and traditional knowledge: The design and implementation of a biodiversity offset should be a documented process informed by sound science, such as the information held by the BirdLife Partnership, including an appropriate consideration of traditional knowledge. The individuals or institutions responsible for initial environmental impact studies, as well as for designing, implementing, and monitoring biodiversity offsets, should be clearly independent and have well-established scientific expertise, and all supporting reports and other documents should be open to external expert oversight.
- XI. Legal obligations. Biodiversity offset should be designed to comply with all relevant national and international law, and planned and implemented in accordance with the Convention on Biological Diversity and its ecosystem approach, as articulated in National Biodiversity Strategies and Action Plans.

Submit your feedback to safeguardconsult@worldbank.org