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**International Finance Corporation's
Policy and Performance Standards on
Social & Environmental Sustainability**

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International Finance Corporation's Policy on Social and Environmental Sustainability

Section 1: Purpose of this Policy

Through its *Policy on Social and Environmental Sustainability*, the International Finance Corporation puts into practice its commitment to the social and environmental sustainability of private sector projects it finances in developing countries. This commitment is based on IFC's mission and mandate, as explained in Section 2 of this Policy. Translating this commitment into successful outcomes depends on the effort of IFC and its client. Consistent with this commitment, IFC will carry out the actions described in Section 3 of this Policy, including its responsibility to review projects proposed for direct financing against the Performance Standards.

The following Performance Standards are a key component of this Policy:

- Performance Standard 1: Social & Environmental Assessment and Management System
- Performance Standard 2: Labor and Working Conditions
- Performance Standard 3: Pollution Prevention and Abatement
- Performance Standard 4: Community Health and Safety
- Performance Standard 5: Land Acquisition and Involuntary Resettlement
- Performance Standard 6: Conservation of Biodiversity and Sustainable Natural Resource Management
- Performance Standard 7: Indigenous Peoples
- Performance Standard 8: Cultural Heritage

These Performance Standards are essential documents to help IFC and its clients manage and improve their social and environment performance through an outcomes-based approach. The desired outcomes are described in the objectives of each Performance Standard, followed by specific requirements to help clients achieve these outcomes through means that are appropriate to the nature and scale of the project and commensurate with the level of social and environmental impacts and risks. Central to these requirements is a consistent approach to avoid adverse impacts on workers, affected communities and the environment, or if avoidance is not possible, to reduce, mitigate, or compensate for the impacts, as appropriate. The Performance Standards also provide a solid base from which clients may increase the sustainability of their business operations.

While managing social and environmental risks and impacts in a manner consistent with the Performance Standards is the responsibility of the client, IFC seeks to ensure that the projects it finances are consistent with the requirements of the Performance Standards. As a result, IFC's social and environmental review of a proposed project is an important factor in its decision to finance the project or not, and will determine the scope of the social and environmental conditions of IFC financing. By adhering to this Policy, IFC enhances the predictability, transparency and accountability of its actions and decision-making, helps clients manage social and environmental risks and improve performance, and enhances positive development outcomes on the ground.

Section 2: IFC's Commitment

IFC's mission is to promote sustainable private sector development in developing countries, helping to reduce poverty and improve peoples' lives. IFC believes that sound economic growth, grounded in sustainable private investment, is crucial to poverty reduction.

In order to accomplish its mission, IFC seeks to base partnerships with clients on the understanding that the pursuit of social and environmental opportunities is an integral part of good business. Socially and environmentally responsible businesses can enhance clients' competitive advantage and create value for all parties involved. IFC believes that this approach also helps to promote the long-term profitability of investments in emerging markets, and enable IFC to fulfill its development mandate and strengthen the public's trust in IFC.

Central to IFC's mission are its efforts to carry out its investment operations and advisory services in a manner that "do no harm" to people or the environment. Negative impacts should be avoided where possible, and if these impacts are unavoidable, they should be reduced, mitigated or compensated for appropriately. In particular, IFC is committed to ensuring that the costs of economic development do not fall disproportionately on those who are poor or vulnerable, and that the environment is not degraded in the process. IFC believes the client's regular engagement with local communities about matters that directly affect them plays an important role in avoiding or reducing harm to people and the environment. IFC also recognizes that the roles and responsibilities of the private sector in respecting human rights are emerging as an important aspect of corporate social responsibility. The Performance Standards, developed by IFC to help private sector clients address environmental and social risks and opportunities, are consistent with these emerging roles and responsibilities.

Accordingly, IFC endeavors to invest in projects that identify and address economic, social and environmental risks with a view to continually improving their sustainability performance within their resources and strategies. IFC seeks business partners who share its vision and commitment to sustainable development, who wish to raise their capacity to manage their social and environmental risks, and who seek to improve their performance in this area.

Section 3: IFC Roles and Responsibilities

In its operations, IFC expects clients to manage their social and environmental risks and impacts of their projects. This entails the client's assessment of these risks and impacts, and implementation of measures to meet the requirements of the Performance Standards. An important component of the client's management of its social and environmental performance is the client's engagement with the affected communities through disclosure of relevant project information and consultation, as stated in Performance Standard 1.

IFC's role is to review the client's assessment; to assist clients to develop measures to avoid, reduce, mitigate or compensate for social and environmental impacts consistent with the Performance Standards; to help identify opportunities to improve social and environmental outcomes; and to monitor the client's social and environmental performance throughout the life of IFC investment. IFC also discloses information

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relating to its own institutional and investment activities in accordance with IFC's Policy on Disclosure of Information.

The foregoing general approach applies to IFC's direct investments at both the corporate and project level, including equity investments. Investments through financial intermediaries and advisory work have separate procedures for applying the Performance Standards (see below). IFC's internal procedure for the application of these Performance Standards through its different types of investments and operations are set out in the Environmental and Social Review Procedure.

Social and Environmental Review

Overall Approach

When a project is proposed for financing, IFC conducts a social and environmental review of the project as part of its overall due diligence. The effectiveness and efficiency of this review depends partly on the timing of IFC's involvement. When this involvement occurs in the early stages of project design, IFC is able to support the client more effectively in anticipating and addressing specific risks, impacts and opportunities, and help build their capacity to manage these throughout the life of the project.

The social and environmental review includes three key components: (i) the social and environmental risks (the likelihood of harm) and impacts of the project as documented by the client; (ii) the commitment and capacity of the client, in order to manage these expected impacts, including a review of its social and environmental management systems; and (iii) the role of third parties in the project's compliance with the Performance Standards. Each of these components helps IFC to ascertain whether the project can be expected to meet the Performance Standards. In the case of large projects with significant adverse impacts, IFC will also assure itself that there is broad community support for the project within the affected communities.

IFC's social and environmental review is integrated into IFC's overall assessment of the project, financial and reputational risks. IFC also considers whether its investment can be expected to contribute to the development of the host country and to broadly benefit its relevant constituencies in economic, social or environmental terms. Through weighing these costs and benefits, IFC articulates its rationale and project-specific conditions for the proposed investment. These are provided to IFC's Board of Directors when the project is presented for approval. There are several types of activities that IFC does not finance. A list of these activities can be found in the Exclusion List in the Environmental and Social Review Procedure.

Categorization of Projects

As part of its review of a project's expected social and environmental impacts, IFC uses a system of social and environmental categorization to (i) reflect the magnitude of impacts understood as a result of assessment; and (ii) specify IFC's institutional requirements to disclose to the public project specific information prior to presenting projects to its Board of Directors for approval. These categories are:

- **Category A** Projects expected to have significant adverse social and/or environmental impacts that are diverse, irreversible or unprecedented

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- **Category B** Projects expected to have limited adverse social and/or environmental impacts that are few in number, generally site-specific, largely reversible and readily addressed through mitigation measures
- **Category C** Projects expected to have minimal or no adverse impacts, including certain financial intermediary projects

For details on IFC's procedure for financial intermediary (FI) projects, see below. For details on IFC's disclosure requirements for each of the categories, see the Policy on Disclosure of Information.

Community Engagement and Broad Community Support

Effective community engagement is central to the successful management of risks and impacts to the affected communities. Through the Performance Standards, IFC requires clients to engage with affected communities through disclosure of information, consultation, and informed participation, in a manner commensurate to the risks and impacts to the affected communities.

Through the Management Response to the Extractive Industries Review, IFC is committed to working with the private sector to put into practice processes of community engagement that ensure the free, prior and informed consultation of the affected communities. Building on this commitment, when financing all large projects with significant adverse impacts, IFC will review the client's documentation of the engagement process, and in addition, through its own investigation, assure itself that the client's community engagement is one that involves free, prior and informed consultation and enables the informed participation of the affected communities, leading to broad community support for the project within the affected communities, before presenting the project for approval by IFC's Board of Directors. Broad community support is a collective expression by the affected communities, through individuals and/or their recognized representatives, in support of the project. There may be broad community support even if some individuals or groups object to the project.

Sector-Specific Initiatives on Disclosure of Information

In the extractive industries and infrastructure sectors in particular, where a project can have potentially broader implications for the public at large, IFC recognizes the importance of disclosure of information as a means to manage governance risks. Accordingly, subject to applicable legal restrictions, IFC has the following sector-specific initiatives on disclosure of project-related information, in addition to the disclosure requirements specified in Performance Standard 1.

Extractive Industry Projects

When IFC invests in extractive industry projects (oil, gas and mining projects), IFC promotes transparency of revenue payments from such projects to host governments. IFC assesses the governance risks to expected benefits from the projects that it supports, and requires that: (i) for significant new extractive industries projects (those expected to account for ten percent or more of government revenues), clients publicly disclose their material project payments to the host government, and the relevant terms of key agreements that are of public concern, such as host government agreements (HGAs) and intergovernmental agreements (IGAs); and (ii) after December, 2006, all clients involved in IFC-financed extractive industry projects will publicly disclose their material payments to the host government(s).

Infrastructure Projects

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When IFC invests in projects involving the final delivery of essential services, such as the retail distribution of water, electricity, piped gas and telecommunications, to the general public under monopoly conditions, IFC encourages the public disclosure of information relating to household tariffs and tariff adjustment mechanisms, service standards, investment obligations, and the form and extent of any ongoing government support. If IFC is financing the privatization of such distribution services, IFC also encourages the public disclosure of concession fees or privatization proceeds. Such disclosures may be made by the responsible government entity (such as the relevant regulatory authority) or by the client.

Managing Third Party Performance

At times, the client's ability to achieve social or environmental outcomes consistent with the Performance Standards will be dependent on third party activities. A third party may be a government agency as a regulator or contract party, a principal contractor or supplier with whom the project has a substantial involvement, or an operator of an associated facility (as defined in Performance Standard 1).

IFC seeks to ensure that the projects it finances achieve outcomes consistent with the Performance Standards, even if the outcomes are dependent upon the performance of third parties. When the third party risk is high, and when the client has control or influence over the actions and behavior of the third party, IFC will require the client to collaborate with the third party to achieve the outcomes consistent with the Performance Standards. Specific requirements and options will vary from case to case.

Project Monitoring

After IFC financing is committed in legal documents and disbursed, IFC will carry out the following actions to monitor the project's social and environmental performance:

- Require the project to submit periodic Monitoring Reports on its social and environmental performance as agreed with IFC
- Review project performance on the basis of the client's commitments in the Action Plan, as reported by the client's Monitoring Reports, and, where relevant, review with the client any performance improvement opportunities
- If changed project circumstances would result in adverse social or environmental impacts, work with the client to address them
- If the client fails to comply with its social and environmental commitments, as expressed in any legal agreement with IFC, work with the client to bring it back into compliance to the extent feasible, and if the client fails to reestablish compliance, exercise remedies when appropriate
- Encourage the client to continue to meet the Performance Standards after IFC's exit from the project

Investments through Financial Intermediaries

IFC is committed to supporting sustainable capital markets development and has a significant program of investment that is implemented through financial intermediaries (FIs). Through this program, IFC helps strengthen domestic capital markets that support economic development at a scale of enterprise that is smaller than would be possible through direct IFC investments. IFC's FI clients are engaged in a diverse

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range of activities, including project finance, lending to large, medium and small businesses, microfinance, trade finance, housing finance, and private equity, each with its own social and environmental risk profile.

Through its Environmental and Social Review Procedure, IFC will review the business of its FI clients to identify activities where the FI could be exposed to social and environmental risk as a result of its investments. IFC's requirements for the FI client will be proportional to the level of potential risk:

- FIs with business activities that have no anticipated material adverse impact potential will be considered Category C projects and will attract no specific requirements
- All other transactions will apply the Exclusion List
- In addition to the Exclusion List, FIs providing long term project or corporate finance to industrial or commercial sub-projects will require their clients:
 - (i) to follow national laws for sub-projects that present limited social and environmental impacts; and
 - (ii) to apply the Performance Standards for sub-projects with significant potential risks

The FI will be required to establish and maintain a Social and Environmental Management System to ensure that its investments meet IFC's requirements, and IFC will monitor the FI's performance on the basis of the management system.

Advisory Services

IFC provides advisory services that range from advice in connection with large-scale industry privatizations to grass roots support for small enterprises. IFC funds some of these services directly, and, in other cases leverages funds from donor-funded facilities. These donor-funded facilities will have their own operating procedures, including how they manage social and environmental issues. When IFC is providing advice for large-scale investment projects, the Performance Standards will be used as a reference in addition to national laws. IFC does not provide advice to support activities that are described in IFC's Exclusion List, and encourages recipients of IFC's advisory services to enhance opportunities to promote good social and environmental practices.

Section 4: Compliance Advisor/Ombudsman

IFC supports its clients in addressing social and environmental issues arising from their projects by requiring clients to set up and administer appropriate mechanisms or procedures to address project-related grievances or complaints from people in the affected communities. In addition to these project level mechanisms and procedures, the role of administrative or legal procedures available in the host country should be considered. Nonetheless, there may be cases where grievances and complaints from those affected by an IFC-financed project are not fully resolved at the project's level, or through other established mechanisms.

Recognizing the importance of accountability and that the concerns and complaints of project-affected people should be addressed in a manner that is fair, objective and constructive, a mechanism has been established through the Compliance Advisor/Ombudsman (CAO) to enable individuals and communities affected by IFC projects to raise their concerns to an independent oversight authority.

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The CAO is independent of IFC management and reports directly to the President of the World Bank Group. The CAO responds to complaints from those affected by IFC-financed projects and attempts to resolve them through a flexible problem-solving approach, and as well as enhance the social and environmental outcomes of projects. In addition, the CAO oversees audits of IFC's social and environmental performance, particularly in relation to sensitive projects, to ascertain compliance with policies, guidelines, procedures, and systems.

Complaints may relate to any aspect of an IFC-financed project that is within the mandate of the CAO. They can be made by any individual, group, community, entity, or other party affected or likely to be affected by the social or environmental impacts of an IFC-financed project. Complaints should be submitted to the CAO in writing to the address below:

Compliance Advisor/Ombudsman

International Finance Corporation
2121 Pennsylvania Avenue NW
Room F11K-232
Washington, DC 20433 USA

Tel: 1 202 458 1973

Fax: 1 202 522 7400

E-mail: cao-compliance@ifc.org

Additional details on the CAO and the process of making a complaint are available at the CAO's website www.cao-ombudsman.org

Section 5: Resources for Policy Implementation

IFC Client Support and Funding Programs for Social and Environmental Sustainability

In conjunction with its financing of projects, IFC can mobilize in-house capacity to provide hands-on support to clients that seek to improve their social and environmental performance, particularly those with limited capacity and resources, including small and medium sized enterprises. Where needed, IFC is also prepared to work closely with international financial institutions and the private sector on project and policy issues related to sustainability. In addition, IFC makes funding programs available to support its clients' social and environmental initiatives and programs.

Client Support Services

IFC provides client support, capacity building and value-adding services in the social and environmental area, subject to its assessment of the client's capacity and available resources. These services include assistance with social and environmental assessment for small and medium-sized clients; assistance with identifying opportunities to enhance social and environmental outcomes; discussion with national environmental protection agencies or other relevant regional, national or local agencies on project specific issues at the request of the client; mobilization of IFC's network of external consultants and experts; and advice on good practice to improve project performance.

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IFC provides support for training of FI clients to facilitate the adoption and consistent application of a social and environmental management system, and to enhance their social and environmental performance. The training includes programs (i) to raise awareness of social and environment risks that the client may face; (ii) on the social and environmental management system appropriate to the client's business; and (iii) to help clients identify business opportunities, for example, through market identification and new financial products.

Funding for Social and Environmental Initiatives

IFC makes financial assistance available to support its clients' social and environmental initiatives and programs. This may include helping clients improve their social and environmental performance beyond the requirements of the Performance Standard; financing innovative projects that promote local environmental benefits; supporting innovative projects with global environmental benefits, including conservation of biodiversity; and purchasing carbon credits from projects in emerging markets that reduce greenhouse gas emissions.

Liaison with International Financial Institutions and Private Sector

IFC's position as an arm of the World Bank Group focusing on the private sector, together with its extensive network among private sector and international financial institutions, enables IFC to liaise with public and private sector stakeholders to promote a broader dialogue on sustainable private sector financing in emerging markets. The following are examples of IFC's liaison role:

- Identification and dissemination of private sector best practices in the social and environmental area
- Promotion of sustainable financial markets in developing countries through the Equator Principles, and through engaging private equity managers and financial analysts, and using other financial markets mechanisms
- Playing the role of the lead bank on social and environmental matters in syndicated loans and joint projects with other international financial institutions, promoting close coordination and harmonization among the participating institutions
- Liaison and coordination with the World Bank on country systems, or the social or environmental aspects of national policy or enforcement or monitoring issues
- Liaison with relevant international financial institutions or national agencies on strategic, regional or sectoral environmental assessment where appropriate for private sector projects with significant social or environmental issues
- Formal notification to countries potentially affected by the transboundary environmental impacts of proposed project activities, to help these countries determine whether the proposed project has the potential for causing appreciable harm through air pollution, deprivation of water from or pollution of international waterways

Additional Supporting Documents for Policy Implementation

In addition to the Performance Standards, IFC will apply other policy, procedure, guideline and guidance materials to assist its staff and clients in achieving social and environmental sustainability in projects in emerging markets.

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- IFC's institutional disclosure of information will be carried out pursuant to IFC's Policy on Disclosure of Information
- IFC's internal procedure to address social and environmental issues through different types of investment and advisory services can be found in the Environmental and Social Review Procedure
- The Guidance Notes, corresponding to the Performance Standards, offer helpful guidance on the requirements contained in the Performance Standards, including reference materials on good sustainability practices to improve project performance
- The guidelines on sector and industry practices and performance levels consistent with Performance Standard 3 can be found in IFC's Environmental, Health and Safety Guidelines, and the Industry Sector Guidelines contained in Part III of the World Bank Group's Pollution Prevention and Abatement Handbook published in 1998, and the forthcoming IFC updates of both
- Good practice notes and handbooks disseminate examples of good practice and reference information about these practices

These documents are available at:

www.ifc.org/enviro

Resources on IFC's approach to sustainability are available at:

www.ifc.org/sustainability

Performance Standards on Social and Environmental Sustainability

International Finance Corporation (IFC) applies the Performance Standards to manage social and environmental risks and impacts and to enhance development opportunities in its private sector financing in its member countries eligible for financing.¹ The Performance Standards may also be applied by other financial institutions electing to apply them to projects in emerging markets. Together, the eight Performance Standards establish standards that the client² is to meet throughout the life of an investment by IFC or other relevant financial institution:

- Performance Standard 1: Social & Environmental Assessment and Management System
- Performance Standard 2: Labor and Working Conditions
- Performance Standard 3: Pollution Prevention and Abatement
- Performance Standard 4: Community Health and Safety
- Performance Standard 5: Land Acquisition and Involuntary Resettlement
- Performance Standard 6: Conservation of Biodiversity and Sustainable Natural Resource Management
- Performance Standard 7: Indigenous Peoples
- Performance Standard 8: Cultural Heritage

Performance Standard 1 establishes the importance of: (i) integrated assessment to identify the social and environmental risks and opportunities of projects; (ii) effective community engagement through disclosure of project related information and consultation with affected communities on matters that directly affect them; and (iii) the client's management of social and environmental performance throughout the life of the project. Performance Standards 2 through 8 establish requirements to avoid, reduce, mitigate or compensate for impacts on people and the environment, and to improve conditions where appropriate. While all relevant social and environmental risks and potential impacts should be considered as part of the assessment, Performance Standards 2 through 8 describe potential social and environmental impacts that require particular attention in emerging markets. Where social or environmental impacts are anticipated, the client is required to manage them through its Social and Environmental Management System consistent with Performance Standard 1.

In addition to meeting the requirements under the Performance Standards, clients must comply with all applicable national laws, including those laws implementing host country obligations under international law.

A set of Guidance Notes, corresponding to the Performance Standards, offers helpful guidance on the requirements contained in the Performance Standards, including reference materials on good sustainability practices to help clients improve project performance.

¹ IFC will apply the Performance Standards to projects it finances, consistent with the provisions in the accompanying IFC Policy on Social and Environmental Sustainability. IFC's institutional disclosure of information will be pursuant to IFC's Policy on Disclosure of Information.

² The term "client" is used throughout the Performance Standards broadly to refer to the party responsible for implementing and operating the project that is being financed, or the recipient of the financing, depending on the project structure and type of financing. The term "project" is defined in Performance Standard 1.

Performance Standard 1 Social and Environmental Assessment and Management System

Introduction

Performance Standard 1 underscores the importance of managing social and environmental performance throughout the life of a project (any business activity that is subject to assessment and management). An effective social and environmental management system is a dynamic, continuous process initiated by management, and involving communication between the client and its employees and the local communities affected by the project (affected communities). Drawing on the elements of the established business management process of “plan, implement, check, and act”, the system entails the thorough assessment of potential social and environmental impacts and risks from the early stages of project development, and it provides order and consistency for mitigating and managing these on an ongoing basis. A good management system appropriate to the size and nature of the project promotes sound and sustainable social and environmental performance, and it can lead to improved financial, social and environmental project outcomes.

Objectives

- To identify and assess social and environment impacts, both adverse and beneficial, in the project’s area of influence
- To avoid, or where avoidance is not possible, minimize adverse impacts on affected communities and the environment
- To ensure that affected communities are appropriately engaged on issues that could potentially affect their lives
- To promote improved social and environment performance of companies through the effective use of management systems

Scope of Application

This Performance Standard applies to projects with social or environmental risks and impacts that should be managed, in the early stages of project development and on an on-going basis.

Requirements

The client will establish and maintain a social and environmental management system appropriate to the nature and scale of the project and commensurate with the level of social and environmental impacts and risks. At a minimum, the management system will include the following elements:

Social and Environmental Assessment

Based on the collection and evaluation of adequate and timely information, the client's social and environmental assessment (S&EA) process will consider in an integrated manner the potential social and environmental (including labor, health, and safety) impacts and risks of the project.

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The assessment process will consider all relevant social and environmental impacts and risks of the project, including the issues identified in Performance Standards 2 through 8. All applicable laws and regulations of the jurisdictions in which the project operates pertaining to social and environmental matters, including those laws implementing host country obligations under international law, will also be taken into account. Impacts and risks will be analyzed in the context of the project's area of influence¹. The assessment will consider the role and capacity of third parties (such as local and national governments, contractors and suppliers), to the extent that they pose a risk to the project, recognizing that the client should address these impacts and risks commensurate to the client's control and influence over the third party actions. The impacts associated with supply chains will be considered where the resource utilized by the project is ecologically sensitive, or in cases where low labor cost is a factor in the competitiveness of the item supplied. The assessment will also consider potential transboundary effects, such as pollution of air, or use or pollution of international waterways, as well as global impacts, such as the emission of greenhouse gasses.

The assessment will be an adequate and objective evaluation and presentation of the issues, whether prepared by the client, consultants, or external experts. Depending on the type of project and the nature and magnitude of its potential impacts and risks, the assessment may comprise a full-scale social and environmental impact assessment, a limited or focused environmental or social assessment, or straight-forward application of environmental siting, pollution standards, design criteria, or construction standards. One or more specialized studies or plans may also need to be undertaken.²

The types of issues, potential impacts, and risks to be assessed, and the scope of the community engagement program (see below) can also vary considerably, depending on the nature of the project, and its size, location, and stage of development. Projects with significant adverse impacts that are diverse, irreversible, or unprecedented will have comprehensive social and environmental impact assessments, to include the examination of technically and financially feasible alternatives to the source of such impacts, as well as the rationale for selecting the particular course of action proposed. Narrower scopes of assessments may be conducted for projects with limited impacts. In general, limited impacts are those that are few in number, site-specific, largely reversible, and in most cases readily addressed through mitigation measures. When the project involves existing business activities, social and/or environmental audits may be performed to determine any areas of concern or non-compliance. Projects that do not present material adverse impacts will not be subject to further assessment beyond their identification as such.

As part of the assessment, the client will identify vulnerable or disadvantaged groups that may be disproportionately impacted by the project by virtue of their gender, ethnicity, religion, culture, dependence on a unique natural resource for their livelihoods, or other characteristics. Where these groups are differentially affected by the project, the client will ensure that differentiated measures are proposed and

¹ This area of influence encompasses, as appropriate: (i) the primary project site(s) and related facilities that the client (including its contractors) develops or controls (e.g., power transmission corridors, pipelines, canals, tunnels, relocation and access roads, borrow and disposal areas, construction camps); (ii) **associated facilities** that are not funded as part of the project (funding may be provided separately by the client or by third parties including the government), and whose viability and existence depends exclusively on the project and whose goods or services are essential for the successful operation of the project; (iii) areas potentially impacted by **cumulative impacts** from further planned development of the project, any existing project or condition, and other developments that are realistically defined at the time the S&EA is undertaken; and (iv) areas potentially affected by impacts from unplanned but predictable developments caused by the project that may occur later in time or at a different location. The area of influence does not include potential impacts that would occur without the project or independently of the project.

² For example, Resettlement Action Plans, Biodiversity Action Plans, Hazardous Materials Management Plans, Emergency Preparedness and Response Plans, Community Health and Safety Plans, and Indigenous Peoples Plans.

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implemented so that adverse impacts do not fall disproportionately on these groups and that they are not disadvantaged when sharing in project benefits.

Social and Environmental Management Program

Taking into account the relevant findings of the social and environmental assessment, the client will establish and manage a program of mitigation and performance improvement measures that address the identified impacts, risks, and corrective actions required to comply with applicable laws and regulations and the requirements of Performance Standards 2 through 8. These measures and the actions needed to implement them, should favor the avoidance and prevention of impacts over reduction, minimization, and compensation, wherever technically and financially feasible. In those cases where impacts and risks cannot be avoided or prevented, mitigation measures and actions focusing on social and environmental performance will be identified to bring the project into compliance. The level of detail and complexity of this program and the priority of the identified measures and actions will be commensurate with the expected impacts and risks. The program will define desired outcomes as measurable events to the extent possible, with elements such as performance indicators, targets, or acceptance criteria that can be tracked over defined time periods, and with estimates of the resources and responsibilities for implementation. Recognizing the dynamic nature of the project development and implementation process, the program will be responsive to changes in project circumstances or unforeseen events. In such situations the client will amend the program accordingly, using the ongoing monitoring mechanisms described in this Performance Standard.

Action Plan

Where the social and environmental management program includes measures that address adverse impacts and risks to affected communities, the client will prepare for disclosure to those communities an Action Plan derived from the program. The Action Plan will (i) describe the actions necessary to implement the various sets of mitigation measures or corrective actions to be undertaken; (ii) prioritize these actions; (iii) include the time-line for their implementation and (iv) describe the schedule for communicating with affected communities when on-going disclosure or consultation is expected. The Action Plan may range from a brief description of routine mitigation measures to a series of documents to be disclosed and consulted upon with affected communities (see below).

Organizational Capacity

The client will establish, maintain, and strengthen as necessary, an organizational structure that defines roles, responsibilities, and authority to implement the social and environmental management program and other activities under the management system. Specific personnel, including management representative(s), with clear lines of responsibility and authority should be designated. Key social and environmental responsibilities should be well defined and communicated to the relevant personnel and to the rest of the organization. Sufficient management sponsorship and human and financial resources will be provided on an ongoing basis to achieve effective and continuous social and environmental performance.

Training

The client will ensure that employees and contractors who have direct responsibility for activities relevant to project social and environmental performance have the knowledge and skills necessary to perform their work, including current knowledge of the host country's regulatory requirements, the applicable requirements of Performance Standards 2 through 8, the specific measures and actions for which they are

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responsible under the social and environmental management program, and the methods required to perform the action items in a competent and efficient manner.

Community Engagement

Community engagement is an ongoing process involving the client's disclosure of information to, and, in the case of projects with potential adverse risks and impacts, consultation with the affected communities. The purpose of community engagement is to build and maintain a constructive relationship with these communities as part of the overall management of a client's social and environmental performance. The nature and frequency of community engagement should reflect the project's potential adverse risks and impacts on the affected communities. Community engagement should be free of intimidation or coercion, and conducted on the basis of timely, relevant, understandable and accessible information.

Disclosure

Disclosure of relevant project information helps affected communities understand the risks, impacts and opportunities of the project. For all projects, clients will disclose relevant project information to affected communities, including the purpose, nature and scale of the project; the duration of proposed project activities; and any expected risks to and impacts on such communities. Disclosure should occur prior to project development, and at a minimum will include the results of the social and environmental assessment and, if applicable, the Action Plan. Ongoing disclosure will address progress in implementing the Action Plan, issues raised by affected communities, information addressing risks to their health and the environment, and incidents that directly affect them.

Consultation

To the extent affected communities may be subject to adverse risks or impact from a project, the client will undertake a process of consultation in a manner that provides the affected communities with opportunities to express their views on project risks, impacts, and mitigation measures, and allows the client to consider and respond to them. Effective consultation should begin early in the social and environmental assessment process. Additional consultation should take place if material additional risks and impacts arise. The consultation process should be undertaken in a manner that is inclusive, culturally appropriate, and adapted to the communities' needs and decision-making processes. Special attention will be paid to the language preferences of the affected communities and to the risks and adverse impacts of project activities on vulnerable or disadvantaged groups. The clients will document the results of their consultation, including the measures taken to avoid or minimize adverse risks to and impacts on the affected communities.

For projects with significant adverse risks to and impacts on affected communities, the consultation process will ensure their free, prior and informed consultation and enable their informed participation. Informed participation involves organized and iterative consultation, leading to the client's incorporating into their decision-making process the views of the affected communities on matters that affect them directly, such as the design of mitigation measures, the sharing of development benefits and opportunities, and implementation issues. The client will document the process, in particular the measures taken to avoid or minimize adverse risks to and impacts on the affected communities.

Grievance Mechanism

The client will establish a grievance mechanism or procedure in order to receive and address the affected communities' concerns or grievances about the client's environmental and social performance. The

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mechanism or procedure should be scaled to the expected project impacts, and should address concerns promptly, using an understandable and transparent process that provides feedback to those concerned. The mechanism or procedure should be easily accessible to all segments of the affected community and at no cost, without impeding access to other judicial or administrative remedies and without retribution. It should inform the client's management periodically and involve management when necessary. The client will report to the affected communities on concerns raised and their resolution in a manner appropriate to the scale of the procedure or mechanism.

Monitoring

As part of its management system, the client will establish procedures to monitor and measure the effectiveness of the social and environmental management program. In addition to recording information to track performance and establishing relevant operational controls, the client should use dynamic mechanisms, such as inspections and audits, where relevant, to verify compliance and progress toward the desired outcomes, and activities that are identified in the social and environmental management program and undertaken in accordance with the ongoing operation of the management system. The extent of monitoring should be commensurate with the nature and magnitude of anticipated impacts and risks and with the project's compliance requirements, and monitoring should be adjusted according to performance experience and feedback. The client will document monitoring results, and identify and reflect the necessary corrective and preventive actions in an amended social and environmental management program (see above). Clients will ensure that these corrective and preventive actions will be implemented as part of the amended social and environmental management program, and that there is a systematic follow-up to ensure their effectiveness.

Reporting

Senior management in the client organization will receive periodic assessment of the effectiveness of the social and environmental management program based on systematic data collection and analysis. The scope and frequency of such reporting will depend upon the nature and scope of the activities identified and undertaken in accordance with the client's social and environmental management system, and other applicable project requirements.

Performance Standard 2 Labor and Working Conditions

Introduction

Performance Standard 2 recognizes that the pursuit of economic growth through employment creation and income generation should be balanced with protection for basic rights of workers. For any business, the workforce is a valuable asset, and a sound worker-management relationship is a key ingredient to the sustainability of the enterprise. Failure to establish and foster a sound worker-management relationship can undermine worker commitment and retention, and can jeopardize a project. Conversely, through a constructive worker-management relationship, and by treating the workers fairly and providing them with safe and healthy working conditions, clients may create tangible benefits, such as enhancement of the efficiency and productivity of their operations.

The requirements set out in this Performance Standard are based in part on a number of international conventions negotiated through the International Labour Organization (ILO) and the United Nations (UN)¹.

Objectives

- To establish, maintain and improve the worker-management relationship
- To promote the fair treatment of workers and compliance with national labor and employment laws
- To prevent unacceptable forms of labor, such as harmful child labor and forced labor
- To promote safe and healthy working conditions, and to protect and promote the health of workers

Scope of Application

The applicability of this Performance Standard is established during the social and environmental assessment process, while the implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's social and environmental management system. The assessment and management system requirements are outlined in Performance Standard 1.

Throughout this Performance Standard, the term “workers” is used to refer to employees of the client, as well as non-employee workers and contract labor. The application of this Performance Standard will vary depending on the type of workers, as follows:

- **Employees:** All the requirements of this Performance Standard apply, except for the requirements under the heading of “Non-Employee Workers, Contract Labor and Supply Chain”

¹ These conventions are:

ILO Convention 87 on Freedom of Association and Protection of the Right to Organize
ILO Convention 98 on the Right to Organize and Collective Bargaining
ILO Convention 29 on Forced Labor
ILO Convention 105 on the Abolition of Forced Labor
ILO Convention 138 on Minimum Age (of Employment)
ILO Convention 182 on the Worst Forms of Child Labor
ILO Convention 100 on Equal Remuneration
ILO Convention 111 on Discrimination (Employment and Occupation)
United Nations Convention on the Rights of the Child, Article 32.1

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- **Other workers performing services on the client’s work site**, whether they are non-employee workers contracted directly by the client (including contract labor, migrant workers, seasonal workers and day laborers), or workers contracted through contractors, sub-contractors and other intermediaries: All the requirements of this Performance Standard apply, except for the requirements under the headings of “Human Resources Policy”, “Retrenchment”; and “Non-Employee Workers, Contract Labor and Supply Chain”
- **Non-employee workers; contract labor; and supply chain:** The requirements under the heading of “Non-Employee Workers, Contract Labor and Supply Chain” apply

Requirements

Working Conditions and Management of Worker Relationship

Human Resources Policy

The client will adopt a human resources policy appropriate to its size and workforce that sets out its approach to managing employees consistent with the requirements of this Performance Standard. Under the policy, the client will provide employees with information regarding their rights under national labor and employment law, including their rights related to wages and benefits. This policy will be clear and understandable to employees, and will be explained or made accessible to each employee upon taking employment.

Working Relationship

The client will document and communicate to all employees and workers contracted by the client directly their working conditions and terms of employment, including their entitlement to wages and any benefits.

Working Conditions and Terms of Employment

Where the client is a party to a collective bargaining agreement with a workers' organization, such agreement will be respected. Where such agreements do not exist, or do not address working conditions and terms of employment (such as wages and benefits, hours of work, overtime arrangements and overtime compensation, and leave for illness, maternity, vacation or holiday) the client will provide working conditions and terms of employment that, at a minimum, comply with national law.

Workers' Organizations

In countries where national law recognizes workers' rights to form and to join workers' organizations of their choosing without interference and to bargain collectively, the client will comply with national law. Where national law substantially restricts workers' organizations, the client will enable alternative means for workers to express their grievances and protect their rights regarding working conditions and terms of employment.

In either case, the client will not discourage workers from forming or joining workers' organizations of their choosing or from bargaining collectively, and will not discriminate or retaliate against workers who participate, or seek to participate, in such organizations and bargain collectively. Clients should engage with such worker representatives or organizations that fairly represent the workers in the workforce.

Non-Discrimination and Equal Opportunity

The client will not make employment decisions on the basis of personal characteristics unrelated to inherent job requirements. The client will base the employment relationship on the principle of equal

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opportunity and fair treatment, and will not discriminate with respect to aspects of the employment relationship, including recruitment and hiring, compensation (including wages and benefits), working conditions and terms of employment, access to training, promotion, termination of employment or retirement, and discipline. In countries where national law provides for non-discrimination in employment, the client will comply with national law. When national laws are silent on non-discrimination in employment, the client will meet this Performance Standard. Special measures of protection or assistance to remedy past discrimination or selection for a particular job based on the inherent requirements of the job will not be deemed discrimination.

Retrenchment

The client will develop a plan to mitigate the adverse impacts of retrenchment on employees, if it anticipates the elimination of a significant number of jobs or a layoff of a significant number of employees. The plan will be based on the principle of non-discrimination, and will reflect the client's consultation with employees and their organizations, and where appropriate, with the government.

Grievance Mechanism

The client will provide a grievance mechanism or procedure for workers (and their organizations, where they exist) to raise workplace concerns. The client will inform all workers of the grievance mechanism or procedure at the time of hire, and make these easily accessible to all workers. The mechanism or procedure should address concerns promptly at an appropriate level of management, using an understandable and transparent process that provides feedback to those concerned, without any retribution. The mechanism or procedure should not impede or delay access to other judicial or administrative remedies that might be available under law or through existing arbitration procedures.

Protecting the Work Force

Harmful Child Labor

The client will not employ children in a manner that is economically exploitative, or is likely to be hazardous, to interfere with the child's education, or to be harmful to the child's health, physical, mental, spiritual, moral, or social development. Where national laws have provisions for the employment of minors, the client will follow those laws applicable to the client. Children below the age of 18 years will not be employed in dangerous work.

Forced Labor

The client will not employ forced labor, which consists of any work or service not voluntarily performed that is exacted from an individual under threat of force or penalty. This covers any kind of involuntary or compulsory labor, such as indentured labor, bonded labor or similar labor contracting arrangements.

Occupational Health and Safety

The client will provide the workers with a safe and healthy work environment, taking into account inherent risks in its particular sector and specific classes of hazards in the client's work areas including physical, chemical, biological, and radiological hazards. The client will take steps to prevent accidents, injury, and disease arising from, associated with, or occurring in the course of work by minimizing, so far as reasonably practicable, the causes of hazards. In a manner consistent with good international industry

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practice², the client will address areas, including: the identification of potential hazards to workers, particularly, those that may be life-threatening; provision of preventative and protective measures, including modification, substitution, or elimination of hazardous condition or substance; training of workers; documentation and reporting of occupational accidents, diseases, and incidents; and emergency prevention, preparedness and response arrangements.

Non-Employee Workers, Contract Labor and Supply Chain

The client will apply the requirements of this Performance Standard to non-employee workers directly contracted by the client and performing services away from the client’s work site, except for the requirements under the headings of “Human Resources Policy” and “Retrenchment”. The client will use commercially reasonable efforts to: (i) ascertain that any contractors or intermediaries providing services to the client through contract workers are reputable and legitimate enterprises; and (ii) require these entities to apply the applicable requirements under this Performance Standard.

The impacts associated with supply chains will be considered where low labor cost is a factor in the competitiveness of the item supplied. The client will inquire about and address harmful child labor and forced labor in its supply chain.

² Defined as the exercise of professional skill, diligence, prudence and foresight that would reasonably be expected from skilled and experienced professionals engaged in the same type of undertaking under the same or similar circumstances globally.

Performance Standard 3 Pollution Prevention and Abatement

Introduction

Performance Standard 3 recognizes that increased industrial activity and urbanization often generate increased levels of pollution to air, water, and land that may threaten people and the environment at the local, regional, and global level.¹ On the other hand, along with international trade pollution prevention and control technologies and practices have become more accessible and achievable in virtually all parts of the world. This Performance Standard outlines a project approach to pollution prevention and abatement in line with these internationally disseminated technologies and practices. This Performance Standard promotes the private sector's ability to integrate such technologies and practices as far as their use is technically and financially feasible and cost-effective in the context of a project that relies on commercially available skills and resources.

Objectives

- To avoid or minimize adverse impacts on human health and the environment by avoiding or minimizing pollution from project activities
- To promote the reduction of emissions that contribute to climate change

Scope of Application

The applicability of this Performance Standard is established during the social and environmental assessment process, while the implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's social and environmental management system. The assessment and management system requirements are outlined in Performance Standard 1.

Requirements

Approach

During the design, construction, operation and decommissioning of the project (the "project life-cycle") the client will consider ambient conditions and apply pollution prevention and control technologies and practices ("techniques") that are best suited to avoid or minimize adverse impacts on human health and the environment while remaining technically and financially feasible and cost-effective.²

¹ For the purposes of this performance standard, the term "Pollution" is used to refer to both hazardous and non-hazardous pollutants in the solid, liquid, or gaseous forms, and is intended to include other forms such as nuisance odors, noise, vibration, radiation, electromagnetic energy, and the creation of potential visual impacts including light.

² "Technical feasibility" is based on whether the techniques can be implemented with commercially available skills, equipment and materials, taking into consideration factors such as local infrastructure, local geographical conditions including climate, and operational reliability under local conditions over extended periods of time (which is a function of the management capacity at the corporate and local levels, trained personnel, and technical support from equipment suppliers). "Financial feasibility" is based on commercial considerations, including the relative magnitude of the incremental cost of adopting such techniques compared to the project's investment, operating and maintenance costs and whether this incremental cost could make the project non-viable to the client. "Cost effectiveness" is based on the effectiveness of reducing emissions relative to the additional cost required to do so.

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The project-specific pollution prevention and control techniques applied during the project life cycle will be tailored to the hazards and risks associated with project emissions and be consistent with good international industry practice,³ as reflected in various internationally recognized sources including the IFC's Environmental, Health, and Safety Guidelines (EHS Guidelines).

Consistent with the overall approach described above, the client will meet the following requirements:

General Emissions of Pollutants

The client will avoid or minimize the release of pollutants, or, when avoidance and minimization are not feasible, will reduce the intensity or load of their release. This applies to the release of pollutants due to routine, non-routine or accidental circumstances with the potential for local, regional, and transboundary impacts⁴.

Resource Conservation and Energy Efficiency

The client will avoid or minimize the release of pollutants, or, when avoidance or minimization are not feasible, will reduce the release of pollutants through application of resource conservation and energy efficiency measures consistent with the principles of cleaner production.

Hazardous Materials

The client will avoid or minimize the release of hazardous materials, or, when avoidance and minimization are not feasible, will reduce the release of hazardous materials transported, handled, stored and used for project activities. The client will prevent the manufacture, trade, and use of chemicals and hazardous materials subject to international bans or phase-outs due to their high toxicity to living organisms, environmental persistence, potential for bioaccumulation, or potential for depletion of the ozone layer⁵ and promote the substitution in the use of such chemicals.

Wastes

The client will avoid or minimize the generation of hazardous and non-hazardous waste materials as far as practicable. Where waste generation cannot be avoided but has been minimized, the client will recover and reuse waste; where waste can not be recovered or reused, the client will treat, destroy, and dispose of it in an environmentally sound manner. If the generated waste is considered hazardous⁶, the client will explore commercially reasonable alternatives for its environmentally sound disposal considering the limitations applicable to its transboundary movement⁷. When waste disposal is conducted by third parties, the client will use contractors that are reputable and legitimate enterprises that are licensed by the applicable regulatory agencies.

³ Defined as the exercise of professional skill, diligence, prudence and foresight that would reasonably be expected from skilled and experienced professionals engaged in the same type of undertaking under the same or similar circumstances globally. The circumstances that skilled and experienced professionals may find when evaluating the range of pollution prevention and control techniques available to a project may include, but are not limited to, varying levels of environmental degradation and environmental assimilative capacity as well as varying levels of financial and technical feasibility.

⁴ In reference to transboundary pollutants, including those covered under the Convention on Long-range Transboundary Air Pollution.

⁵ Consistent with the objectives of the Stockholm Convention on Persistent Organic Pollutants and the Montreal Protocol on Substances that Deplete the Ozone Layer. Similar considerations will apply to certain World Health Organization (WHO) classes of pesticides.

⁶ As defined by local legislation or international conventions.

⁷ Consistent with the objectives of the Basel Convention on the Control of Transboundary Movements of Hazardous Wastes.

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Emergency Preparedness and Response

The client will be prepared to respond to process upset, accidental, and emergency situations in a manner appropriate to the operational risks and the need to prevent their potential negative consequences. This preparation shall include a plan that addresses the training, resources, responsibilities, communication, procedures, and other aspects required to effectively respond to emergencies associated with project hazards.

Technical Guidance

Specific technical guidance to help achieve these requirements is available in the EHS Guidelines. In the evaluation and selection of pollution prevention and control techniques, the client will refer to these Guidelines to establish the appropriate performance level for the project. If less stringent performance levels are appropriate in view of specific project circumstances, the client will provide full and detailed justification for any proposed alternatives. This justification should demonstrate that the choice for any alternate performance levels is consistent with the overall requirements of this Performance Standard.

Ambient Considerations

The client will develop projects to avoid or minimize, or, where avoidance and minimization are not feasible, to reduce adverse project impacts on existing ambient conditions.⁸ The client will consider the finite assimilative capacity⁹ of the environment, existing and future land use, existing ambient conditions, the project's proximity to ecologically sensitive or protected areas, and the potential for cumulative impacts with uncertain and irreversible consequences, and promote strategies that avoid or minimize, or, where avoidance and minimization are not feasible, reduce the release of pollutants, including strategies that contribute to the improvement of ambient conditions when the project has the potential to constitute a significant source of emissions in an already degraded area. These strategies include, but are not limited to, evaluation of project location alternatives and emissions offsets.

Greenhouse Gas Emissions

The client will promote the reduction of project-related greenhouse gas emissions in a manner appropriate to the nature and scale of project operations and impacts.

During the development or operation of projects that are expected to or that currently produce significant quantities of greenhouse gases (GHGs)¹⁰, the client will quantify direct emissions from the facilities owned or controlled within the physical project boundary and indirect emissions associated with the off-site production of power used by the project. Quantification and monitoring of GHG emissions will be conducted annually in accordance with internationally recognized methodologies.¹¹ In addition, the client will evaluate technically and financially feasible and cost-effective options for the improvement of emissions performance that may be achieved during the design and operation of the project. These options may include, but are not limited to, carbon financing, energy efficiency improvement, the use of renewable

⁸ Such as air, surface and groundwater, and soils.

⁹ The capacity of the environment for absorbing an incremental load of pollutants while remaining below a threshold of unacceptable risk to human health and the environment.

¹⁰ The significance of a project's contribution to GHG emissions varies between industry sectors. The threshold for this Performance Standard is 100,000 ton CO₂ equivalent per year for the aggregate emissions of direct sources and indirect sources associated with purchased electricity for own consumption. This or similar thresholds will apply to such industry sectors or activities as energy, transport, heavy industry, agriculture, forestry and waste management in order to help promote awareness and reduction of emissions.

¹¹ Estimation methodologies are provided by the Intergovernmental Panel on Climate Change (IPCC), various international organizations and relevant host country agencies.

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energy sources, alterations of project design, emissions offsets, and the adoption of other mitigation measures such as the reduction of fugitive emissions and the reduction of gas flaring.

Pesticide Use and Management

The client will formulate and implement an integrated pest management (IPM) and/or integrated vector management (IVM) approach for all pest management activities. The client's IPM and IVM program will entail a coordinated use of pest and environmental information along with available pest control methods, including cultural practices, biological, genetic and, as a last resort, chemical means to prevent unacceptable levels of pest damage.

When pest management activities include the use of pesticides, the client will select pesticides that are low in human toxicity, known to be effective against the target species, and have minimal effects on non-target species and the environment. When the client selects pesticides, the selection will be based on whether the pesticides are packaged in safe containers, are clearly labeled for safe and proper use, and have been manufactured by an entity currently licensed by applicable regulatory agencies.

The client will ensure that the pesticide application regime is designed to minimize damage to natural enemies and prevent the development of resistance in pests. In addition, pesticides will be handled, stored, applied and disposed of in accordance with the Food and Agriculture Organization's International Code of Conduct on the Distribution and Use of Pesticides or other good international industry practice.

The client will not use products that fall in World Health Organization Recommended Classification of Pesticides by Hazard Classes Ia (extremely hazardous) and Ib (highly hazardous); or Class II (moderately hazardous), if the project host country lacks restrictions on distribution and use of chemicals that fall into these classes, or if they are likely to be accessible to lay personnel or others without proper training, equipment, and facilities to handle, store, apply and dispose of these products properly.

Performance Standard 4 Community Health and Safety

Introduction

Performance Standard 4 recognizes that project activities, equipment, and infrastructure often bring benefits to communities including employment, services, and opportunities for economic development. However, projects can also increase the potential for community exposure to risks and impacts arising from equipment accidents, structural failures, releases of hazardous materials, communicable diseases, disease vectors, impacts on natural resources, and the use of security personnel. While acknowledging the public authorities' role in promoting the health and safety of the public, this Performance Standard addresses the client's responsibility to avoid or minimize the risks and impacts to community health and safety that may arise from project activities.

Objectives

- To avoid or minimize risks and impacts to the health and safety of the local community during the project life-cycle from both routine and non-routine circumstances
- To ensure that the safeguarding of personnel and property is carried out in a legitimate manner that avoids or minimizes risks to the community's safety and security

Scope of Application

The applicability of this Performance Standard is established during the social and environmental assessment process, while the implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's social and environmental management system. The assessment and management system requirements are outlined in Performance Standard 1.

This Performance Standard addresses potential risks and impacts to the affected community from project activities. Occupational health and safety standards are addressed separately in Performance Standard 2 (Labor and Working Conditions), and environmental standards to prevent impacts on human health and the environment due to pollution are addressed in Performance Standard 3 (Pollution Prevention and Abatement).

Requirements

Approach

The client will evaluate the potential risks and impacts to the health and safety of the affected community during the design, construction, operation, and decommissioning of the project (the "project life-cycle") and will establish preventive measures to address them in a manner commensurate with the estimated frequency and magnitude of the identified potential risks and impacts. These measures will favor the prevention or avoidance of risks and impacts over minimization and reduction.

Where the project poses potential adverse risks and impacts on the health and safety of affected communities, the client will disclose relevant project-related information to enable the affected communities

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and relevant government agencies to understand these risks and impacts, and will engage the affected communities and agencies consistent with the requirements of Performance Standard 1.

Infrastructure and Equipment Safety

The client will design, construct, and operate and decommission the structural elements or components of the project in accordance with good international industry practice,¹ and will give particular consideration to potential exposure to natural hazards, especially where the structural elements are accessible to members of the affected community or where their failure could result in injury to the community. Structural elements must be designed and constructed by qualified and experienced professionals, and certified or approved by competent authorities or professionals. When structural elements or components, such as dams, tailings dams, or ash ponds, are situated in high-risk locations, and their failure or malfunction may threaten the safety of communities, the client will engage one or more experts with relevant and recognized experience in similar projects, separate from those responsible for the design and construction, to conduct a review as early as possible in project development and throughout the stages of project design, construction, and commissioning. For projects that operate moving equipment on public roads and other forms of infrastructure, the client will seek to prevent the occurrence of incidents and accidents associated with the operation of this equipment.

Hazardous Materials Safety

The client will prevent or minimize the potential for community exposure to hazardous materials that may be released by the project. Where there is a potential for the community (including workers and their families) to be exposed to hazards, particularly those that may be life-threatening, the client will exercise special care to avoid or minimize their exposure by modifying, substituting or eliminating the condition or substance causing the hazard. Where hazardous materials are part of existing project infrastructure or components, the client will exercise special care when conducting decommissioning activities in order to prevent exposure to the community. In addition, the client will exercise commercially reasonable efforts to control the safety of deliveries of raw materials and of transportation and disposal of wastes, and will implement measures to avoid or control community exposure to pesticides in accordance with the requirements outlined in Performance Standard 3.

Environmental Health and Natural Resource Issues

The client will prevent or minimize the potential for community exposure to water-borne, water-based, water-related, or vector-borne disease that could result from project activities. Where specific diseases are endemic in communities in the project area of influence, the client is encouraged to explore opportunities during the project life cycle to improve environmental conditions that could help to reduce their incidence.

The client will avoid or minimize the exacerbation of impacts caused by natural hazards, such as landslides or floods that could arise from land use changes due to project activities. The client will also avoid or minimize adverse impacts on the quality and quantity of soil and water resources due to project activities.

¹ Defined as the exercise of that degree of skill, diligence, prudence and foresight that would reasonably and ordinarily be expected from skilled and experienced professionals engaged in the same type of undertaking under the same or similar circumstances globally.

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Communicable Diseases

The client will prevent or minimize transmission of communicable diseases that may be associated with the influx of temporary or permanent project labor.

Emergency Preparedness and Response

The client will assess the potential risks and impacts from project activities and inform affected communities of significant potential hazards in a culturally appropriate manner. The client will also assist and collaborate with the community and the local government agencies in their preparations to respond effectively to emergency situations, especially when their participation and collaboration is necessary to respond to such emergency situations. If local government agencies have little or no capacity to respond effectively, the client will be responsible for responding to emergencies associated with the project. The client will document its emergency preparedness and response activities, resources, and responsibilities, and will disclose appropriate information to affected communities and relevant government agencies.

Security Personnel

When the client uses employees or contractors to provide security to safeguard its personnel and property, it will assess risks to those within and outside the project site posed by its security arrangements. In making such arrangements, the client will be guided by the principles of proportionality and good international practices in terms of hiring, rules of conduct, training, equipping and monitoring of such personnel. The client will make reasonable inquiries to satisfy itself that those providing security are not implicated in past abuses and will ensure that those engaged to provide security are adequately trained in the use of force (and where applicable, firearms) and appropriate conduct toward workers and the local community, and require them to act within the law. The client will not sanction any use of force except when used for preventive and defensive purposes in proportion to the threat. The client will also investigate any credible allegations of unlawful or abusive acts of security personnel, take action (or urge appropriate parties to take action) to prevent recurrence, and report unlawful and abusive acts to public authorities when appropriate. A grievance procedure or mechanisms should allow the affected community to express concerns about the security arrangements and acts of security personnel.

If government security personnel are deployed to provide security services for the client, the client will assess risks arising from such use, communicate its intent that the security personnel act in accordance with these requirements, and encourage the relevant public authorities to disclose the security arrangements for the client's facilities to the public, subject to overriding security concerns.

Performance Standard 5 Land Acquisition and Involuntary Resettlement

Introduction

Involuntary resettlement refers both to physical displacement (relocation or loss of shelter) and to economic displacement (loss of assets or access to assets that leads to loss of income sources or means of livelihood) as a result of project-related land acquisition.¹ Resettlement is considered involuntary when affected individuals or communities do not have the right to refuse land acquisition that results in displacement. This occurs in cases of: (i) lawful expropriation or restrictions on land use based on eminent domain²; and ii) negotiated settlements in which the buyer can resort to expropriation or impose legal restrictions on land use if negotiations with the seller fail.

Unless properly managed, involuntary resettlement may result in long-term hardship for affected people as well as environmental damage and social stress in those areas to which they have been displaced. For these reasons, involuntary resettlement should be avoided or at least minimized. However, where it is unavoidable, appropriate measures to mitigate adverse impacts on displaced persons and host communities³ should be carefully planned and implemented. Experience demonstrates that the direct involvement of the client in resettlement activities can result in cost-effective, efficient and timely implementation of those activities, as well as innovative approaches to improving the livelihoods of those affected by resettlement.

Negotiated settlements help avoid expropriation and eliminate the need to use governmental authority to remove people forcibly. Negotiated settlements can usually be achieved by providing fair and appropriate compensation and other incentives or benefits to affected individuals or communities, and by mitigating the risks of asymmetry of information and bargaining power. Clients are encouraged to acquire land rights through negotiated settlements wherever possible, even if they have the legal means to gain access to the land without the seller's consent.

Objectives

- To avoid or minimize involuntary resettlement wherever possible by exploring alternative project designs
- To mitigate negative social and economic impacts from land acquisition or restrictions on affected parties' use of land by: (i) providing compensation for loss of assets at replacement cost; and ii) ensuring that resettlement activities are implemented with appropriate disclosure of information, consultation and the informed participation of those affected
- To provide opportunities to displaced persons to improve or at least restore their livelihoods and standards of living
- To improve living conditions among displaced persons through provision of adequate housing with security of tenure⁴ at resettlement sites

¹ Land acquisition includes both outright purchases of property and purchases of access rights, such as rights-of-way.

² Such restriction may include restrictions of access to legally designated nature conservation areas.

³ A host community is any community receiving displaced persons.

⁴ A resettlement site offers security of tenure if it protects the resettled persons from forced evictions.

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Scope of Application**

The applicability of this Performance Standard is established during the social and environmental assessment process, while the implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's social and environmental management system. The assessment and management system requirements are outlined in Performance Standard 1.

This Performance Standard applies to resettlement resulting from the following types of land transactions:

- Type I: Land rights for a private sector project acquired through expropriation or other compulsory procedures
- Type II: Land rights for a private sector project acquired through negotiated settlements with property owners or those with legal rights to land, including customary or traditional rights recognized or recognizable under the laws of the country, who do not have the option to retain the land.⁵

When informal settlers are displaced, provisions in this Performance Standard that are specific to informal settlers apply. This Performance Standard does not apply to resettlement resulting from voluntary land transactions (i.e., market transactions in which the seller is not obliged to sell and the buyer cannot resort to expropriation or other compulsory procedures if negotiations fail).

Requirements

General Requirements

Project Design

The client will consider all viable alternative project designs to avoid or at least minimize physical or economic displacement, while balancing environmental, social and financial costs and benefits.

Compensation and Benefits for Displaced Persons

The client will offer displaced individuals and communities compensation for loss of assets at full replacement cost. Standards for compensation will be transparent and consistent within the project. The client will also mitigate any adverse impacts resulting from the loss of access to assets or restrictions on land use. Where land is collectively owned, compensation will be carried out in a transparent and equitable manner. The client will provide opportunities to displaced persons and communities so that they can derive appropriate development benefits from the project.

Consultation

Following disclosure of all relevant information, the client will consult with and facilitate the informed participation of affected persons and communities, including host communities, in decision-making processes related to resettlement. Consultation will continue during the implementation, monitoring and evaluation of compensation payment and resettlement to achieve outcomes that are consistent with the objectives of this Performance Standard.

⁵ These negotiations can be carried out by the private sector company acquiring the land or by an agent of the company. In the case of private sector projects in which land rights are acquired by the government, the negotiations may be carried out by the government or by the private company as an agent of the government.

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Resettlement Planning and Implementation

Where involuntary resettlement is unavoidable, the client will carry out a census to identify the persons who will be displaced by the project, to determine who will be eligible for compensation and assistance, and to discourage inflow of people who are ineligible for these benefits. In the absence of host government procedures, the client will establish a cut-off date for eligibility. In all cases, information regarding the cut-off date will be well documented and disseminated throughout the project area.

In the case of Type I transactions (acquisition of land rights through the exercise of eminent domain) or Type II transactions (negotiated settlements) that involve physical displacement of people, the client will develop a resettlement action plan or a resettlement framework based on a social and environmental assessment that covers, at a minimum, all requirements of this Performance Standard regardless of the number of people affected. The plan or framework will be designed to mitigate the negative impacts of displacement, identify development opportunities, and establish the entitlements of all categories of affected persons (including host communities), with particular attention paid to the needs of the poor and the vulnerable. The client will document all transactions to acquire land rights, as well as compensation measures and relocation activities. The client will also establish procedures to monitor and evaluate the implementation of resettlement plans and take corrective actions as necessary. A resettlement will be considered complete when the adverse impacts of resettlement have been addressed in a manner that is consistent with the objectives stated in the resettlement plan or framework as well as the objectives of this Performance Standard.

In the case of Type II transactions (negotiated settlements) that do not involve the physical displacement of people, the client will develop procedures to ensure that affected individuals and communities are offered compensation that meets the objectives of this Performance Standard. The procedures will establish the entitlements of affected property owners (individual or communities) and will ensure that compensation is provided in a transparent, consistent and equitable manner. The implementation of the procedures will be considered complete when affected property owners have been compensated according to the requirements of this Performance Standard. In cases where property owners reject compensation offers that meet the requirements of this Performance Standard and, as a result, expropriation or other legal procedures are initiated, the client will not have any further obligations.

Grievance Procedure

The client will establish a grievance procedure consistent with Performance Standard 1 to receive and address specific concerns about compensation and relocation that are raised by displaced persons, host communities or their representatives. This procedure will include an appeals mechanism to ensure the impartial resolution of disputes.

Displacement

Project-related land acquisition may result in the physical displacement of people as well as their economic displacement. The requirements listed separately below may be equally applicable.

Physical Displacement

If people living in the project area must move to another location, the client will: (i) offer displaced persons choices among feasible resettlement options, including adequate replacement housing or cash compensation where appropriate; and (ii) provide relocation assistance suited to the needs of each

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category of displaced persons and vulnerable groups. Alternative housing and/or cash compensation will be made available prior to relocation. Resettlement sites built for displaced persons should offer improved living conditions.

Where persons with formal legal rights to land are displaced, the client will offer replacement property of equal or higher value, equivalent or better characteristics and advantages of location, or will offer cash compensation at full replacement value where appropriate.⁶ This entitlement also applies to displaced persons or communities with claims to land that are recognized or recognizable under the laws of the country.

Where informal settlers (occupants of land without legally recognizable claims to land) are displaced, the client will offer them opportunities to resettle legally in areas where they do not face the risk of eviction. Where people own and occupy informal structures, the client will compensate them for the loss of assets other than land, such as dwellings and other improvements to the land, at full replacement cost, provided that these people occupy the project area prior to the cut-off date for eligibility. Compensation in kind should be offered where feasible. Based on consultation with such informal settlers, the client will provide relocation assistance sufficient for them to reestablish themselves at an adequate alternative site.⁷ The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date.

Where communities of Indigenous Peoples are to be physically displaced from their communally held traditional or customary lands under use, the client will meet all applicable requirements of this Performance Standard, as well as those of Performance Standard 7.

Economic Displacement

If land acquisition for the project causes loss of income or livelihood, regardless of whether or not the affected people are physically displaced, the client will:

- Compensate economically displaced persons for loss of assets or access to assets prior to the taking of land at full replacement cost (unless payments are being made to redress previously insufficient compensation)
- In cases where land acquisition affects commercial structures, the affected business owner is entitled to compensation for the cost of reestablishing commercial activities elsewhere, for lost net income during the period of transition, and for the costs of the transfer and reinstallation of the plant, machinery or other equipment
- Provide replacement property (e.g., agricultural or commercial sites) of equal or greater value, or cash compensation at full replacement cost where appropriate, to persons with legal rights or claims to land which are recognized or recognizable under the laws of the country (including traditional or customary rights)
- Compensate informal settlers (occupants of land without legally recognizable claims to land) who are economically displaced for lost assets other than land (including crops, irrigation infrastructure)

⁶ Payment of cash compensation for lost assets may be appropriate where: (a) livelihoods are not land-based; (b) livelihoods are land-based but the land taken for the project is a small fraction of the affected asset and the residual land is economically viable; or (c) active markets for land, housing, and labor exist, displaced persons use such markets, and there is sufficient supply of land and housing. Cash compensation levels should be sufficient to replace the lost land and other assets at full replacement cost in local markets.

⁷ Relocation of informal settlers in urban areas often has trade-offs. For example, the relocated families may gain security of tenure, but they may lose advantages of location.

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and other improvements made to the land), at full replacement cost. The client is not required to compensate or assist opportunistic settlers who encroach on the project area after the cut-off date

- Provide additional targeted assistance (e.g., credit facilities, training, or job opportunities) and opportunities to improve or at least restore their income-earning capacity, production levels, and standards of living to economically displaced persons whose livelihoods or income levels are negatively affected
- Provide transitional support to economically displaced persons, as necessary, based on a reasonable estimate of the time required to restore their income-earning capacity, production levels, and standards of living

Where indigenous communities are economically displaced as a result of project-related land acquisition, the client will meet all applicable requirements of this Performance Standard, as well as those of Performance Standard 7.

Resettlement as the Primary Responsibility of Government

Where land acquisition and resettlement are the responsibility of government agencies, the client will collaborate with these agencies to achieve outcomes that are consistent with the objectives of this Performance Standard. In circumstances where government capacity is limited, the client will seek to play an active role during resettlement planning, implementation and monitoring.

In the case of Type I transactions (acquisition of land rights through expropriation or other legal procedures) and Type II transactions (negotiated settlements) that involve physical displacement (relocation of people), clients will prepare a plan or framework, which, together with the documents prepared by the responsible government agency, will address the elements outlined in the General Requirements above. The client may need to ensure in particular that the following components are included in its plan or framework: 1) a description of the entitlements of displaced persons provided under applicable laws and regulations; 2) the measures proposed to bridge any gaps between such entitlements and the requirements of this Performance Standard; and 3) the financial and implementation responsibilities of the government agency and/or the client.

In the case of Type II transactions (negotiated settlements) that do not involve physical displacement (relocation of people), clients will identify and document the procedures that the responsible government agency plans to use to compensate affected individuals and communities. If these procedures do not meet the requirements of this Performance Standard, the client will develop its own procedures to supplement government action consistent with the General Requirements of this Performance Standard.

Performance Standard 6 Conservation of Biodiversity and Sustainable Natural Resource Management

Introduction

Performance Standard 6 recognizes that protecting and conserving biodiversity—the variety of life in all its forms, including genetic, species and ecosystem diversity—and its ability to change and evolve, is fundamental to sustainable development. In addition, the Performance Standard reflects the objectives of the Convention on Biological Diversity to conserve biological diversity and promote its use in a sustainable manner. The components of biodiversity, as defined in the Convention, include ecosystems and habitats, species and communities, and genes and genomes, all of which have social, economic, cultural and scientific importance. This Performance Standard addresses how clients can avoid or mitigate threats to biodiversity arising from their operations, as well as sustainably manage renewable natural resources.

Objectives

- To protect and conserve biodiversity
- To promote the sustainable management and use of natural resources through the adoption of practices that integrate conservation needs and development priorities

Scope of Application

The applicability of this Performance Standard is established during the social and environmental assessment process, while the implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's social and environmental management system. The assessment and management system requirements are outlined in Performance Standard 1.

Based on the assessment of risks and impacts and the vulnerability of the biodiversity and the natural resources present, the requirements of this Performance Standard are applied to projects in all habitats, whether or not those habitats have been previously disturbed and whether or not they are legally protected.

Requirements

Protection and Conservation of Biodiversity

In order to avoid or minimize adverse impacts to biodiversity in the project's area of influence, the client will assess the significance of project impacts on all levels of biodiversity, as an integral part of the social and environmental assessment process. The assessment will take into account the differing values attached to biodiversity by specific stakeholders, as well as identify impacts on ecosystem services. The assessment will focus on the major threats to biodiversity, which include habitat destruction and invasive alien species.

Habitat destruction is recognized as the major threat to the maintenance of biodiversity. Habitats can be divided into natural habitats (which are land and water areas where the biological communities are formed largely by native plant and animal species, and where human activity has not essentially modified the area's primary ecological functions) and modified habitats (where there has been apparent alteration of the

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natural habitat, often with the introduction of alien species of plants and animals, such as agricultural areas). Both types of habitat can support important biodiversity at all levels, including endemic or threatened species.

Modified Habitat

In areas of modified habitat, the client will exercise care to minimize any conversion or degradation of such habitat, and will, depending on the nature and scale of the project, identify opportunities to enhance habitat and protect and conserve biodiversity as part of their operations.

Natural Habitat

In areas of natural habitat, the client will not significantly convert or degrade¹ such habitat, unless:

- There are no technically and economically feasible alternatives,
- The overall benefits of the project outweigh the costs, including those to environment and biodiversity, and
- Any conversion or degradation is appropriately mitigated.

Critical Habitat

Critical habitat is a subset of both natural and modified habitat that deserves particular attention. Critical habitat includes areas with high biodiversity values, including the presence of endemic or threatened species, areas required by migratory species, areas having biodiversity of significant social, economic or cultural importance to local communities, and areas with unique assemblages of species or which are associated with key evolutionary processes or ecosystem services. Legally-protected areas, including areas proposed by governments for such designation, are also considered to be critical habitat by virtue of their status.

In order to protect and conserve biodiversity, the client will not significantly convert or degrade any critical habitat, or reduce populations of any recognized critically endangered or endangered species². Any lesser impacts on critical habitat must be appropriately mitigated.

Legally-protected Areas

Legally-protected areas are important for the protection and conservation of biodiversity and the maintenance of ecosystem services, and additional measures are needed for any projects that would be permitted under the applicable national laws in these areas. In circumstances where a proposed project is located within a legally-protected area or a legally-defined buffer zone, the client will, in addition to the requirements for critical habitat cited above:

- Not implement any actions which are contrary to defined national or local land use or land management regulations or the protected area management plan
- Consult protected area sponsors and managers, local communities and other key stakeholders on the proposed project

¹ Significant conversion or degradation is the elimination or severe diminution of the integrity of a critical or other habitat caused by a major, long-term change in land or water use.

² As defined by the IUCN Red List of Threatened Species, and/or as defined in any national legislation.

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- Implement additional programs, as appropriate, to promote and enhance the conservation aims of the protected area

Invasive Alien Species

Intentional or accidental introduction of alien, or non-native, species of flora and fauna (into areas where they are not normally found) can be a significant threat to biodiversity, since some alien species can become invasive, spreading rapidly and out-competing native species.

The client will not intentionally introduce any new alien species (not currently established in the country or region of the project) unless this is carried out in accordance with the existing regulatory framework for such introductions, if such framework is present, or is subject to a risk assessment (as part of the project's Social and Environmental Impact Assessment) to determine the potential for invasive behavior. The client will not deliberately introduce any alien species with a high risk of invasive behavior or any known invasive species, and will exercise diligence to prevent accidental or unintended introductions.

Management and Use of Renewable Natural Resources

The client will manage all renewable natural resources in a sustainable fashion.³ Where possible, the client will demonstrate the sustainable management of the resource through an appropriate system of independent certification.⁴

In particular, forests and aquatic systems are principal providers of natural resources, and need to be managed as specified below.

Natural and Plantation Forests

Clients involved in natural forest harvesting or plantation development will not cause any conversion or degradation of critical habitat. In addition, the client will ensure that all natural forests and plantations over which they have management control are independently certified as meeting performance standards compatible with internationally accepted principles and criteria for sustainable forest management. Where a pre-assessment determines that the operation does not yet meet the requirements of such an independent forest certification system, the client will develop and adhere to a time-bound, phased action plan for achieving such certification.

Freshwater and Marine Systems

Clients involved in the production and harvesting of fish populations or other aquatic species must demonstrate that their activities are being undertaken in a sustainable fashion, through application of an internationally accepted system of independent certification, if available, or through appropriate studies carried out in conjunction with the social and environmental assessment process.

³ Sustainable resource management is the management of the use, development and protection of resources in a way, or at a rate, which enables people and communities to provide for their present social, economic and cultural well-being while also sustaining the potential of those resources to meet the reasonably foreseeable needs of future generations and safeguarding the life-supporting capacity of air, water and soil ecosystems.

⁴ An appropriate certification system would be one which is: independent, cost-effective, based on objective and measurable performance standards and developed through consultation with relevant stakeholders, and which has fair, transparent, independent decision-making procedures which avoid conflicts of interest.

Performance Standard 7 Indigenous Peoples

Introduction

Performance Standard 7 recognizes that Indigenous Peoples, as social groups with identities that are distinct from dominant groups in national societies, are often among the most marginalized and vulnerable segments of the population. Their economic, social and legal status often limits their capacity to defend their interests in, and rights to, lands, and natural and cultural resources, and may restrict their ability to participate in and benefit from development. They are particularly vulnerable if their lands and resources are transformed, encroached upon by outsiders, or significantly degraded. Their languages, cultures, religions, spiritual beliefs, and institutions may also be under threat. These characteristics expose Indigenous Peoples to different types of risks and severity of impacts, including the loss of identity, culture, and customary livelihoods, as well as exposure to impoverishment and disease.

Private sector projects may create opportunities for Indigenous Peoples to participate in, and benefit from, project related activities that may help them fulfill their aspiration for economic and social development. In addition, this Performance Standard recognizes that Indigenous Peoples may play a role in sustainable development by promoting and managing activities and enterprises as partners in development.

Objectives

- To ensure that the development process fosters full respect for the dignity, human rights, aspirations, cultures and customary livelihoods of Indigenous Peoples
- To avoid adverse impacts of projects on communities of Indigenous Peoples, or when avoidance is not feasible, to minimize, mitigate or compensate for such impacts in a culturally appropriate manner
- To promote the informed participation of Indigenous Peoples affected by a project throughout the life of the project
- To foster good faith and meaningful engagement with Indigenous Peoples when projects are to be located on traditional or customary lands under use by the Indigenous Peoples
- To respect and preserve the culture, knowledge and practices of Indigenous Peoples

Scope of Application

The applicability of this Performance Standard is established during the social and environmental assessment process, while the implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's social and environmental management system. The assessment and management system requirements are outlined in Performance Standard 1.

There is no universally accepted definition of "Indigenous Peoples". Indigenous Peoples may be referred to in different countries by such terms as "Indigenous ethnic minorities," "aboriginals," "hill tribes," "minority nationalities," "scheduled tribes," "first nations," or "tribal groups."

In this Performance Standard, the term "Indigenous Peoples" is used in a generic sense to refer to a distinct social and cultural group possessing the following characteristics in varying degrees:

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- Self-identification as members of a distinct indigenous cultural group and recognition of this identity by others
- Collective attachment to geographically distinct habitats or ancestral territories in the project area and to the natural resources in these habitats and territories
- Customary cultural, economic, social, or political institutions that are separate from those of the dominant society or culture
- An indigenous language, often different from the official language of the country or region

Ascertaining whether a particular group is considered as Indigenous Peoples for the purpose of this Performance Standard may require technical judgment.

Requirements

General Approach

Avoidance of Adverse Impacts

The client will identify all communities of Indigenous Peoples who may be affected by the project within the project's area of influence, as well as the nature and degree of the expected social, cultural (including cultural heritage)¹, and environmental impacts on them, and avoid the adverse impacts whenever possible.

When avoidance is not possible, the client will minimize, mitigate or compensate for these impacts in a culturally appropriate manner. The client's proposed action will be developed with the informed participation of affected Indigenous Peoples, and contained in a time-bound plan, such as an Indigenous Peoples Development Plan, or a broader community development plan with separate components for Indigenous Peoples consistent with the requirements under this section.²

Information Disclosure, Consultation and Informed Participation

The client will establish an on-going relationship with the affected communities of Indigenous Peoples from as early as possible in the project planning through decommissioning of the project, through an on-going process to inform Indigenous Peoples of the risks and impacts that may be posed by the project, and to consult with and seek the informed participation of the Indigenous Peoples in decisions that affect them. This process will be culturally appropriate and commensurate with the potential risks and impacts to the Indigenous Peoples. In particular, the process will:

- Involve Indigenous Peoples' representative bodies (for example councils of elders or village councils, among others)
- Be inclusive of both women and men and of various age groups in a culturally appropriate manner
- Provide for sufficient time for Indigenous Peoples' collective decision-making processes
- Facilitate the Indigenous Peoples' expression of their views, concerns, and proposals in the language of their choice
- Ensure that the grievance mechanism or procedure established for the project, as described in Performance Standard 1, is culturally appropriate and accessible for Indigenous Peoples

¹ Additional client requirements on protection of cultural heritage are set out in Performance Standard 8.

² The determination of the appropriate plan will require technical judgment. Community development plan may be appropriate when Indigenous Peoples are integrated into larger affected communities.

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Development Opportunities

Through the process of information disclosure, consultation and informed participation, the client will provide development opportunities that are identified with the informed participation of the affected communities of Indigenous Peoples. Such opportunities should be commensurate with the degree of project impacts, with the aim to improving their standard of living and livelihoods in a culturally appropriate manner, and to fostering the long-term sustainability of the natural resource on which they depend.

Special Considerations on Land

Indigenous Peoples are often closely tied to their traditional or customary lands and natural resources on these lands. While these lands may not be under legal ownership pursuant to national law, use of these lands, including seasonal or cyclical use, by communities of Indigenous Peoples for customary livelihoods, or cultural, ceremonial or spiritual purposes that define their identity and community can often be substantiated and documented. The following section of the Performance Standard underscores the special considerations that the client will give to traditional or customary lands under use, as described in this paragraph.

Impacts on Traditional or Customary Lands under Use

If the project is to be located on traditional or customary lands under use, and adverse impacts can be expected on the customary livelihoods, and/or cultural, ceremonial or spiritual use that define the identity and community of the Indigenous Peoples, the client will respect their use by taking the following steps, in addition to the other requirements of this Performance Standard:

- The client will document its efforts to avoid or at least minimize the size of land proposed for use by the project
- The Indigenous Peoples' land use will be documented by experts using appropriate methods in consultation with the affected communities of Indigenous Peoples
- The affected communities of Indigenous Peoples will be informed of their rights with respect to these lands under national law, including any national law recognizing any customary rights or use
- The affected communities of Indigenous Peoples will be offered at least compensation and rights to due process available to those with full legal title to land in the case of commercial development of their land under national law, together with culturally appropriate development opportunities

Care should be taken to ensure that any Indigenous Peoples' land claim is not prejudiced during these steps.³

Relocation of Indigenous Peoples from Traditional or Customary Lands

The client will make every effort to avoid the relocation of Indigenous Peoples from their communally held⁴ traditional or customary lands under use. If such relocation is unavoidable, the client will not proceed with the project unless the client enters into good faith negotiation with the affected communities of the Indigenous Peoples and document their informed participation, consistent with the requirements of this Performance Standard, and the requirements on physical displacement under Performance Standard 5.

³ While this Performance Standard requires substantiation and documentation of the use of such land, clients should also be aware that the land may already be under alternative use, as designated by the host government.

⁴ Where members of the affected communities of Indigenous Peoples individually hold legal title, or where the relevant national law recognizes customary rights for individuals, the requirements of Performance Standard 5 will apply, rather than the requirements under this heading.

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Cultural Resources

Where a project uses the cultural resources, knowledge, innovations, and/or practices of Indigenous Peoples for commercial purposes, the client will inform the Indigenous Peoples of (i) their rights under national law; (ii) the scope and nature of the proposed commercial development; and (iii) the potential consequences of such development. Before proceeding with the commercial development, the client will enter into good faith negotiation with the affected communities of the Indigenous People, document their informed participation, and provide for fair and equitable sharing of benefits of such knowledge, innovation, or practice, consistent with their customs and traditions.

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Performance Standard 8 Cultural Heritage

Introduction

Performance Standard 8 recognizes the importance of cultural heritage for current and future generations. Consistent with the Convention Concerning the Protection of the World Cultural and Natural Heritage, this Performance Standard aims to protect irreplaceable cultural heritage and to guide clients on protecting cultural heritage in the course of their business operations. In addition, the requirements of this Performance Standard on a project's use of cultural heritage are based in part on standards set by the Convention on Biological Diversity.

Objectives

- To protect cultural heritage from the adverse impacts of project activities and support its preservation
- To promote the equitable sharing of benefits from the use of cultural heritage in business activities

Scope of Application

The applicability of this Performance Standard is established during the social and environmental assessment process, while the implementation of the actions necessary to meet the requirements of this Performance Standard is managed through the client's social and environmental management system. The assessment and management system requirements are outlined in Performance Standard 1.

For the purposes of this Performance Standard, cultural heritage refers to tangible forms of cultural heritage, such as tangible property and sites having archaeological (prehistoric), paleontological, historical, cultural, artistic, and religious values, as well as unique natural environmental features that embody cultural values, such as sacred groves. However, for purposes of the section below on Project's Use of Cultural Heritage, intangible forms of culture, such as cultural knowledge, innovations and practices of communities embodying traditional lifestyles, are also included. The requirements of this Performance Standard apply to cultural heritage regardless of whether or not it has been legally protected or previously disturbed.

Requirements

Protection of Cultural Heritage in Project Design and Execution

Internationally Recognized Practices

In addition to complying with relevant national law on the protection of cultural heritage, including national law implementing the host country's obligations under the Convention Concerning the Protection of the World Cultural and Natural Heritage and other relevant international law, the client will protect and support cultural heritage by undertaking internationally-recognized practices for the protection, field-based study, and documentation of cultural heritage.

Chance Find Procedures

The client is responsible for siting and designing a project to avoid significant damage to cultural heritage. When the proposed location of a project is in areas where cultural heritage is expected to be found, either

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during construction or operations, the client will implement “chance find” procedures established through the social and environmental assessment. The client will not disturb any chance finds further until an assessment by a competent specialist is made and actions consistent with the requirements of this Performance Standard are identified.

Consultation and Informed Participation

Where a project may affect cultural heritage, the client will consult with affected communities within the host country who use, or have used within living memory, the cultural heritage for long-standing cultural purposes to identify cultural heritage of importance, and to incorporate into the client’s decision-making process the views of the affected communities on such cultural heritage. Consultation should also involve the relevant national or local regulatory agencies that are entrusted with the protection of cultural heritage.

Removal of Cultural Heritage

The client will not remove any cultural heritage, unless:

- There are no technically or economically feasible alternatives to removal
- The overall benefits of the project outweigh the anticipated cultural heritage loss from removal and
- Any removal of cultural heritage is conducted by the best available technique

Critical Cultural Heritage

Critical cultural heritage consists of (i) the internationally-recognized heritage of communities who use, or have used within living memory the cultural heritage for long-standing cultural purposes; and (ii) legally protected cultural heritage areas, including those proposed by host governments for such designation.

The client will not significantly alter, damage, or remove any critical cultural heritage. Where a project may significantly damage critical cultural heritage, and its loss may endanger the cultural or economic survival of communities within the host country who use the cultural heritage for long-standing cultural purposes, the client will proceed with project activities with a good faith negotiation with and the documented process of informed participation of the affected communities. In addition, any lesser impacts on critical cultural heritage must be appropriately mitigated with the informed participation of the affected communities.

Legally-protected cultural heritage areas are important for the protection and conservation of cultural heritage, and additional measures are needed for any projects that would be permitted under the applicable national laws in these areas. In circumstances where a proposed project is located within a legally-protected area or a legally-defined buffer zone, clients will, in addition to the requirements for critical cultural heritage cited above:

- Not implement any actions that are contrary to defined national or local cultural heritage regulations or the protected area management plan;
- Consult through informed participation with the protected area sponsors and managers, local communities and other key stakeholders on the proposed project; and
- Implement additional programs, as appropriate, to promote and enhance the conservation aims of the protected area.

Project’s Use of Cultural Heritage

Where a project uses the cultural resources, knowledge, innovations, and/or practices of local communities embodying traditional lifestyles for commercial purposes, the client will inform these communities of (i) their

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rights under national law; (ii) the scope and nature of the proposed commercial development; and (iii) the potential consequences of such development. Before proceeding with the commercial development, the client will enter into a good faith negotiation with the affected local communities embodying traditional lifestyles, document their informed participation, and provide for fair and equitable sharing of benefits of such knowledge, innovation, or practice, consistent with their customs and traditions.