Operational Manual

OP 4.00 - Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects

These policies were prepared for use by World Bank staff and are not necessarily a complete treatment of the subject.

OP 4.00 March, 2005

Note: OP/BP 4.00, Piloting the Use of Borrower Systems to Address Environmental and Social Safeguard Issues in Bank-Supported Projects, were revised on April 2013 to take into account the recommendations in "Investment Lending Reform: Modernizing and Consolidating Operational Policies and Procedures" (R2012-0204 [IDA/R2012-0248]), which were approved by the Executive Directors on October 25, 2012. As a result of these recommendations, OP/BP 10.00, Investment Project Financing, have been updated to incorporate the content of OP/BP 13.05, Supervision, which have consequently been retired (among other changes). OP/BP 4.00 have consequently also been updated to reflect these changes. General questions on using country systems in World Bank-supported projects should be addressed to the OPCS Help Desk.

Questions on environmental and social safeguards aspects of pilot operations should be directed to the Safeguard Policies Helpdesk in OPCS (safeguards@worldbank.org).

Revised April 2013

- 1. The Bank's¹ environmental and social ("safeguard") policies² are designed to avoid, mitigate, or minimize adverse environmental and social impacts of projects supported by the Bank. The Bank encourages its borrowing member countries to adopt and implement systems³ that meet these objectives while ensuring that development resources are used transparently and efficiently to achieve desired outcomes. To encourage the development and effective application of such systems and thereby focus on building borrower capacity beyond individual project settings, the Bank is piloting the use of borrower systems in Bank-supported projects. The key objective of the pilot program is to improve overall understanding of implementation issues related to greater use of country systems.
- 2. **Equivalence and Acceptability**. The Bank considers a borrower's environmental and social safeguard system to be equivalent to the Bank's if the borrower's system is designed to achieve the objectives and adhere to the applicable operational principles set out in <u>Table A1</u>. Since equivalence is determined on a policy-by-policy basis, the Bank may conclude that the borrower's system is equivalent to the Bank's in specific environmental or social safeguard areas in particular pilot projects, and not in other such areas. Before deciding on the use of borrower systems, the Bank also assesses the acceptability of the borrower's implementation practices, track record, and capacity.⁴
- 3. **Addressing Gaps**. If the borrower has to fill gaps in its system to meet the objectives and applicable principles in Table A1 and is committed to doing so, the Bank may, when determining equivalence take account of measures to improve the borrower's system. Similarly if the borrower has to fill gaps in implementation practices and capacity to achieve acceptability and is committed to doing so, the Bank may, when determining acceptability, take account of measures to strengthen borrower implementation practices and capacity. Such measures are to be carried out before the borrower undertakes implementation of the relevant project activities, and may include Bank-supported efforts to strengthen relevant capacity, incentives and methods for implementation.
- 4. **Borrower Role and Obligations**. The borrower is responsible for achieving and maintaining equivalence as well as acceptable implementation practices, track record, and capacity, in accordance with the Bank's assessment. For each project, the borrower identifies those provisions of the country system that are necessary to ensure that the requirements of <u>Table A1</u> are met. These provisions may vary from project to project, depending on such factors as the structure of the country's system and the type of operation. In all cases, the specific provisions of the country system and any additional actions that the borrower needs to undertake to achieve and maintain equivalence and acceptable implementation become part of the borrower's contractual obligations to the Bank, subject to the Bank's normal contractual remedies (e.g., suspension of disbursements).
- 5. Bank Responsibility. The Bank is responsible for determining the equivalence and acceptability of borrower

systems, and for appraising and supervising pilot projects that use these systems. The Bank carries out its responsibility, including supervision of borrower implementation practices, track record, and capacity, in a manner proportional to potential impacts and risks. The Bank may explore with the borrower (and, as appropriate, third-parties) the feasibility of arrangements to strengthen ownership and country capacity to implement specific operational principles in Table A1. Without limitation to its responsibility under this paragraph, the Bank may also explore with the borrower (and, as appropriate, third-parties) the feasibility of establishing alternative monitoring arrangements for overseeing the implementation of the project.

- 6. Changes in Borrower Systems and Bank Remedies. If, during project implementation, there are changes in applicable legislation, regulations, rules or procedures, the Bank assesses the effect of those changes and discusses them with the borrower. If, in the judgment of the Bank, the changes reflect a further improvement in the country systems, and if the borrower so requests, the Bank may agree to revise the legal framework applicable to the operation to reflect these improvements, and to amend the legal agreement as necessary. Management documents, explains, and justifies any changes to such framework, and submits them for Board approval (normally on an absence of objection basis). If the country system is changed in a manner inconsistent with the legal framework agreed with the Bank, the Bank's contractual remedies apply.
- 7. **Disclosure**. To promote transparency and facilitate accountability, the Bank makes public, through the PID early in the project cycle, its intent to use country systems in a proposed pilot operation. It updates this information as project development proceeds. At a later stage, but prior to beginning appraisal, the Bank makes publicly available its analysis of equivalence of borrower systems and Bank requirements and its assessment of the acceptability of borrower implementation practices, track record, and capacity (including a description of the applicable borrower systems and of actions that would achieve and sustain equivalence and acceptability). In addition, the Bank ensures that relevant project-related environmental and social safeguard documents (see <u>Table A1</u>), including the procedures prepared for projects involving subprojects, are disclosed in a timely manner before project appraisal formally begins, in an accessible place and understandable form and language to key stakeholders.
 - 1. "Bank" includes IBRD and IDA; "loan" includes IDA credit and IDA grant; and "borrower" includes grant recipient.
 - The Bank's environmental and social safeguards policies and procedures are: <u>OP/BP</u> 4.01, *Environmental Assessment*; <u>OP/BP</u> 4.04, *Natural Habitats*; <u>OP 4.09</u>, *Pest Management*; <u>OP/BP</u> 4.10, *Indigenous Peoples*; <u>OP/BP</u> 4.11, *Physical Cultural Resources*; <u>OP/BP</u> 4.12, *Involuntary Resettlement*; <u>OP 4.36</u>, *Forests*; and <u>OP/BP</u> 4.37, *Safety of Dams*.
 - 3. When used in this policy statement "country systems" means a country's legal and institutional framework, consisting of its national, subnational, or sectoral implementing institutions and applicable laws, regulations, rules, and procedures.
 - 4. As the applicable statement for the pilots, this OP and BP will apply only to those areas where the Bank has determined equivalence. The Bank's environmental and social safeguard policies will apply to the areas which the Bank has determined not to be equivalent to its applicable policy framework and will continue to apply to all projects that are not part of the pilot program. Pilot projects will be subject to all other applicable policies and procedures.
 - 5. OP/BP 10.00, Investment Project Financing, applies to pilot projects.

Table A1 - Environmental and Social Safeguard Policies—Policy Objectives and Operational Principles