



Review and Update of the World Bank's Environmental and Social Safeguard Policies
Phase 2
Feedback Summary

Date: March 2, 2015

Location: Nairobi, Kenya

Audience: Experts on Issues Pertaining to Non-discrimination from Kenya, Tanzania, and Uganda

Overview and Key Issues Discussed: On March 2, 2015, the World Bank held a consultation meeting with experts on issues pertaining to non-discrimination. Some of the key issues discussed were disability; non-discrimination; SOGIE rights; gender; and human rights.

Specific Feedback from Stakeholders
1. General Comments
<p><i>Inquiries</i></p> <ul style="list-style-type: none"> • Please explain the safeguards review process and its main challenges. • How have stakeholders, other than the government, been involved in the consultations process? • How democratic is the Bank's leadership structure? • How does the Bank ensure that governments behave ethically? What happens when governments engage in acts of corruption? <p><i>Comments</i></p> <ul style="list-style-type: none"> • Participant's welcomed the Bank's efforts to engage with them. • Borrowers have the responsibility of undertaking meaningful consultations. However, borrowers sometimes choose not to engage with communities due to bias. • The socio-political environment in many countries in Africa is not favorable to speaking about Sexual Orientation, Gender Identity and Expression (SOGIE). In some cases the SOGIE community faces state repression, as well as institutional and social discrimination. This may be difficult to notice from the outside if governments do not engage in public acts of discrimination, and more so where they have socially progressive public discourses. The World Bank needs to be aware of this environment and ensure that the SOGIE community obtains the same rights and benefits of other communities.

Recommendations

- The majority of the population in sub-Saharan Africa is younger than 18 years. The Bank should therefore seek to have more projects aimed at improving the livelihoods of youths in Africa.
- There is a gap between policy and implementation at the local level. The Bank needs to ensure that the borrower implements Safeguards policies properly, and pays particular attention to implementing the sections pertaining to non-discrimination.
- The Bank and borrower need to improve their capacity to treat issues related to disability during projects, as well as ensure that they incorporate “accessibility” as a requirement in projects.
- The bank should work closely with agencies that already work on disability, such as UNICEF and HelpAge International, to learn good practices from them.
- The Bank needs to promote the use of third party monitors on issues pertaining to non-discrimination.
- More jobs need to be allocated for women on World Bank-financed projects.
- The Bank should include affirmative action measures for women and minority groups in their projects.
- The World Bank should fund projects that make people more sensitive about issues pertaining to SOGIE.
- Country offices need to ensure that they have good communications with local experts on issues pertaining to non-discrimination.
- The World Bank should develop guidance notes on disability that includes the participation of experts during project design and implementation.

2. A Vision for Sustainable Development

N/A

3. World Bank Environmental and Social Policy

Inquiries

- When will Environmental and Social Commitment Plans (ESCPs) be prepared and disclosed?
- How and when are communities notified that a project will take place in their area? Are they given enough time to participate in consultations?

Recommendations

- The ESF only recognizes physical and mental disability. Other types of disabilities should also be included.
- People with disability should be given a stand-alone Standard.
- The ESF should try to harmonize its text with that of the UN Convention on the Rights of Persons with Disabilities.
- The ESF should address discrimination on the basis of age.
- There should be disaggregated data for groups that have several vulnerabilities, for example, child-laborers that have disabilities.
- Disaggregated data should be included as an indicator during the monitoring and evaluation of projects.
- Participants recommended that the concept of vulnerability become narrower by enlisting specific vulnerable groups in the ESF.
- The ESF should include safeguards for people who have been displaced.

- The ESF needs to clearly differentiate children from youth -the use of proper nomenclature is important for project design and implementation.
- People with disability should have representation throughout the life-cycle of a project.
- A person that is knowledgeable of issues relating to disability should always be present during community consultations.
- Cross-cutting issues such as gender and age should be given greater importance during the life-cycle of a project. One way that this could be done is by making the use of disaggregated indicators mandatory.
- There should be a more diverse staffing of projects. This would help LGBTI and other communities feel more comfortable participating in projects and expressing disapproval. At the moment there is a ‘reversal of guilt’ – if you report a problem, action will be taken against you (which may include violence). This makes local grievance mechanisms very difficult for LGBTI people. It would be good to have an accessible person at the Bank to whom reports could be made. Some third party organizations (i.e. legal aid organizations) could also act as intermediaries.
- Disability indicators should be included in social assessments and Environmental and Social Commitment Plans.
- CSOs should be included as facilitators in grievance redress mechanisms. Participants suggested using UNICEF for children, NUDIPU for persons with disabilities, and HelpAge for elderly

4. Environmental and Social Standard 1 (ESS1): Assessment and Management of Environmental and Social Risks and Impacts

N/A

5. Environmental and Social Standard 2 (ESS2): Labor and Working Conditions

Comments

- Paragraph 9 favors national legislations and can open up the possibility of financing projects that result in direct discrimination - a violation of the Universal Declaration of Human Rights, treaties, and customary international law.

6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention

N/A

7. Environmental and Social Standard 4 (ESS4): Community Health and Safety

Recommendations

- Discrimination towards people who have been affected by HIV/AIDS should be explicitly addressed in the ESF.
- Special safeguards measures for people with HIV/AIDS should be included in the ESF.

8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement

Inquiries

- Does this Standard apply to refugees and other peoples displaced by conflict?
- Will this Standard apply in the case of displacement camps?

Recommendations

- Women’s land rights need to be addresses separately because they use, access, and own land differently than their male counterparts.

9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources

N/A

10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples

Comments

- Participant’s welcomed the inclusion of Free, Prior, and Informed Consent (FPIC).
- Footnote 14 may lead to disregarding paragraph 25, and instead refer the borrower to ESS5. Paragraph 25 is a key provision of ESS7 because it requires free, prior and informed consent in the case of relocation. ESS5 does not contain any provisions that meet the requirement of addressing Indigenous Peoples' specific human rights. A failure to recognize and allow for the specific human rights needs of Indigenous Peoples, especially in regard to their land rights, would most likely result in discrimination against them.

11. Environmental and Social Standard 8 (ESS8): Cultural Heritage

N/A

12. Environmental and Social Standard 9 (ESS9): Financial Intermediaries

N/A

13. Environmental and Social Standard 10 (ESS10): Information Disclosure and Stakeholder Engagement

Recommendations

- Information on Bank-financed projects needs to be made public at an early stage of project design.
- Bank information can be hard to access, in particular if there is no internet access in your community or if you cannot afford to have internet access.