



Review and Update of the World Bank’s Environmental and Social Safeguard Policies
Phase 3
Feedback Summary

Date: February 9, 2016
Location: Addis Ababa, Ethiopia
Audience: Multi-stakeholder meeting

ESF	Issue	Items	Feedback
Vision	Human Rights	<ul style="list-style-type: none"> • Approach to human rights in the ESF 	<ul style="list-style-type: none"> • The World Bank needs to take human rights into account for all of its projects, if it does not, then it is undermining the link between human rights and development. • Improved governance is key to respecting human rights in a country. Good governance increases community engagement and helps teach citizens about their rights.
ESP/ ESS1	Non-discrimination and vulnerable groups	<ul style="list-style-type: none"> • Explicit listing of specific vulnerable groups by type/name (age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources) • Specific aspects of the non-discrimination principle in complex social and political contexts, including where recognition of certain groups is not in accordance with national law 	<ul style="list-style-type: none"> • Broad approval of the inclusion of SOGIE in the framework. • There may be a need to add “occupational minorities” as a vulnerable and marginalized group, for example, potters and welders. In Ethiopia, those two professions tend to be people born into poor, landless families, that cannot access any other livelihood opportunities • The Bank should consider the importance of data in promoting non-discrimination and equality. To that end, the ESF should ensure that all projects

			<p>collect data that is disaggregated by age, sex, disability and other vulnerable groups.</p> <ul style="list-style-type: none"> • The gender dimension of all ESSs need to be clearly articulated. • Disability should be treated in a separate section. • Are Indigenous Peoples (IPs) considered a vulnerable group?
	Use of Borrower's Environmental and Social Framework	<ul style="list-style-type: none"> • Role of Borrower frameworks in the management and assessment of environmental and social (E&S) risks and impacts where these will allow projects to achieve objectives materially consistent with Environmental and Social Standards (ESSs) • Approach for making decision on the use of Borrower frameworks, including the methodology for assessing where frameworks will allow projects to achieve objectives materially consistent with the ESSs, and the exercise of Bank discretion • Role of Borrower frameworks in high and substantial risk projects 	<ul style="list-style-type: none"> • The use of country systems is very important for development to be sustainable. It gives borrowers more ownership and leadership in a project.
	Co-financing/ common approach	<ul style="list-style-type: none"> • Arrangements on E&S standards in co-financing situations where the co-financier's standards are different from those of the Bank 	
	Adaptive risk management	<ul style="list-style-type: none"> • Approach to monitoring E&S compliance and changes to the project during implementation 	
	Risk classification	<ul style="list-style-type: none"> • Approach to determining and reviewing the risk level of a project 	
ESS1	Assessment and management of environmental and social risks and impacts	<ul style="list-style-type: none"> • Assessment and nature of cumulative and indirect impacts to be taken into account • Treatment of cumulative and indirect impacts when identified in the assessment of the project • Establishing project boundaries and the applicability of the ESSs to Associated Facilities, contractors, primary suppliers, FI subprojects and directly funded sub-projects 	

		<ul style="list-style-type: none"> • Circumstances under which the Bank will determine whether the Borrower will be required to retain independent third party specialists 	
	Environmental and Social Commitment Plan (ESCP)	<ul style="list-style-type: none"> • Legal standing of the ESCP and implications of changes to the ESCP as part of the legal agreement 	<ul style="list-style-type: none"> • ESCP and other plans: these concepts are not well defined to show the difference between them • How will the Bank ensure that Borrowers comply with the ESCP?
ESS2	Labor and working conditions	<ul style="list-style-type: none"> • Definition and necessity of and requirements for managing labor employed by certain third parties (brokers, agents and intermediaries) • Application and implementation impacts of certain labor requirements to contractors, community and voluntary labor and primary suppliers • Constraints in making grievance mechanisms available to all project workers • Referencing national law in the objective of supporting freedom of association and collective bargaining • Operationalization of an alternative mechanism relating to freedom of association and collective bargaining where national law does not recognize such rights • Issues in operationalizing the Occupational Health and Safety (OHS) provisions/standards 	<ul style="list-style-type: none"> • ESS2 is very good, especially with regards to child labor, forced labor, and grievance redress mechanisms. • The minimum working age of 14 too low. • There is widespread child labor in different regions of the world, even in those that are signatories to ILO conventions against child labor. How does the Bank expect a country that can't comply with the Convention to comply with the ESF? • Many children migrate from rural areas to cities due to economic need -children living in rural areas should go to school, but parents need the money. The World Bank should include financial help for families aimed at keeping children at home. Otherwise the sole prohibition of child labor will not be enough. • Paragraph 13 mentions that where there is a difference between the ESS and national law, the project will go forward under the lowest bar. This is not good. The bank should set the bar higher. • Understanding child labor in the Ethiopian context requires understanding the cultural nuances found in the country. There are different communities in Ethiopia where the definition of childhood varies from that of the UN.
ESS3	Climate change and GHG emissions	<ul style="list-style-type: none"> • The relation between provisions on climate change in the ESF and broader climate change commitments, specifically UNFCCC 	<ul style="list-style-type: none"> • How prepared is the Bank to restrict lending due to non-compliance of GHG emissions? Will the World Bank really shy away from financing the

		<ul style="list-style-type: none"> Proposed approaches to measuring and monitoring greenhouse gas (GHG) emissions in Bank projects and implications thereof, in line with the proposed standard, including determining scope, threshold, duration, frequency and economic and financial feasibility of such estimation and monitoring Implications required for the Borrower of estimating and reducing GHG emissions for Bank projects, in line with the proposed standard 	<p>extraction of oil, considering the harmful effects that it can have on the planet?</p> <ul style="list-style-type: none"> The World Bank should wait for the Paris declaration to be adopted before deciding on the language included in the Framework.
ESS5	Land acquisition and involuntary resettlement	<ul style="list-style-type: none"> Treatment and rights of informal occupants and approach to forced evictions in situations unrelated to land acquisitions Interpretation of the concept of resettlement as a “development opportunity” in different project circumstances 	<ul style="list-style-type: none"> To what extent did the World Bank consider international good practice guidelines to draft ESS 5? Sometimes displaced people are not properly compensated. The World Bank needs to monitor and make sure that compensation is paid to all displaced persons. Host communities need to be consulted as part of the consultation process. Are they also taken into account during resettlement projects? The consultation of host communities needs to take place to guarantee that there will be no conflict among them and the resettled community. Resettled communities may become minorities in the areas where they are resettled. That could lead to them being seriously affected by discrimination. Resettlement as a development opportunity is not often a viable option for older people. Consultations and the assessment of tenure rights must consider and address issues related to age. In Ethiopia there are many people that could be affected when the land they are occupying is required by the government for development purposes. People with titles have the right to compensation.

			<ul style="list-style-type: none"> Peoples without legal rights to land are rarely compensated and their lands regularly expropriated.
ESS6	Biodiversity	<ul style="list-style-type: none"> Operationalization of the provisions on primary suppliers and ecosystem services, especially in situation with low capacity Role of national law with regard to protecting and conserving natural and critical habitats Criteria for biodiversity offsets, including consideration of project benefits Definition and application of net gains for biodiversity 	
ESS7	Indigenous Peoples	<ul style="list-style-type: none"> Implementation of the Indigenous Peoples standard in complex political and cultural contexts Implementation of ESS7 in countries where the constitution does not acknowledge Indigenous Peoples or only recognizes certain groups as indigenous Possible approaches to reflect alternative terminologies used in different countries to describe Indigenous Peoples Circumstances (e.g. criteria and timing) in which a waiver may be considered and the information to be provided to the Board to inform its decision Criteria for establishing and implementation of Free, Prior and Informed Consent (FPIC) Comparison of proposed FPIC with existing requirements on consultation Application of FPIC to impacts on Indigenous Peoples' cultural heritage 	<ul style="list-style-type: none"> ESS7 and OP4.10 place a lot of emphasis on protecting Indigenous Peoples (IPs) from adverse impacts; there should also be a push toward actively bringing more positive impacts to IP communities. Participants welcomed the inclusion of FPIC. In South Sudan there are IPs groups at the brink of disappearing. Without provisions to protect them, they will become extinct. Is the indigenous people's policy optional or mandatory? Are there ways to opt out? The indigenous/non-indigenous dichotomy is likely to pose sensitivity and may harm certain groups. The term should be contextually qualified.
ESS8	Cultural Heritage	<ul style="list-style-type: none"> Treatment of intangible cultural heritage Application of intangible cultural heritage when the project intends to commercialize such heritage Application of cultural heritage requirements when cultural heritage has not been legally protected or previously identified or disturbed 	<ul style="list-style-type: none"> It is unclear how the protection of intangible cultural heritage would be implemented on the ground.

ESS9	Financial Intermediaries	<ul style="list-style-type: none"> • Application of standard to FI subprojects and resource implications depending on risk • Harmonization of approach with IFC and Equator Banks 	
ESS10	Stakeholder engagement	<ul style="list-style-type: none"> • Definition and identification of project stakeholders and nature of engagement • Role of borrowing countries or implementing agencies in identifying project stakeholders 	<ul style="list-style-type: none"> • Engagement entails democratic and proactive participation, but many meetings where projects are discussed are dominated by a few groups, often leaving out vulnerable and marginalized peoples. Furthermore, in the African context, consultations often means a general gathering. Understanding that context is key for the World Bank to modify its consultation procedures appropriately to reach its objective of consulting all members of the community. • What is the role of the World Bank in providing grievance redress mechanisms? Is there a supervising body ensuring that it is functioning appropriately.
General	EHSG and GIIP	<ul style="list-style-type: none"> • Application of the Environmental, Health and Safety Guidelines (EHSGs) and Good International Industry Practice (GIIP), especially when different to national law or where the Borrower has technical or financial constraints and/or in view of project specific circumstances 	
	Feasibility and resources for implementation	<ul style="list-style-type: none"> • Implementation and resource implications for Borrowers, taking into account factors such as the expanded scope of the proposed ESF (e.g., labor standard), different Borrower capacities and adaptive management approach • Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness 	
	Client capacity building and implementation support	<ul style="list-style-type: none"> • Funding for client capacity building • Approaches and areas of focus 	

		<ul style="list-style-type: none"> • Approach to implementing the ESF in situations with capacity constraints, e.g., FCS, small states and emergency situations 	
	Disclosure	<ul style="list-style-type: none"> • Timing of the preparation and disclosure of specific environmental and social impact assessment documents (related to ESS1 and ESS10) 	<ul style="list-style-type: none"> • The World Bank should disclose where all projects are being undertaken, as well as the safeguards instruments.
	Implementation of the ESF	<ul style="list-style-type: none"> • Bank internal capacity building, resourcing, and behavioral change in order to successfully implement the ESF • Ways of reaching mutual understanding between Borrower and Bank on issues of difficult interpretation 	
<p>Other issues</p> <ul style="list-style-type: none"> • For some, the use of the word modernization is uncomfortable because of its cultural associations. We recommend the use of a different word such as update when referring to changes of the World Bank’s review and update efforts. • How do consultations on the proposed ESF fit into the general discussion surrounding the Sustainable Development Goals? • Is it possible to give grants to international or national CSOs through a social accountability fund? 			