

Review and Update of the World Bank’s Environmental and Social Safeguard Policies

Phase 3

Feedback Summary

Date: November 10, 2015

Location: Dhaka, Bangladesh

Audience: Multi-stakeholder

ESF	Issue	Items	Feedback
Vision	Human Rights	1. Approach to human rights in the ESF	<ul style="list-style-type: none"> • Clarification was sought on how ESF addresses human rights. • Clarification was sought on which partners the Bank is harmonizing with in terms of human rights definition and practices.
ESP/ ESS1	Non-discrimination and vulnerable groups	2. 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) 3. 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"> • The definition of vulnerable groups should be in the main text rather than a footnote. • The expanded definition of “disabilities” to go beyond physical and mental was commendable. • Accessibility for disabled people should be a central theme; the concept should be standardized and defined. • Projects should include an indicator on disability; and the level of support to disability in a project should be quantified. • The Bank was requested to closely monitor the implementation of disability inclusion in its projects. • The definition of “persons with disability” should be aligned with the definition in the UN Convention on the Rights of Persons with Disabilities (UNCRPD). • Listing different vulnerable groups can create an impression that the list is limitative. • The definition of “accessibility” needs to be incorporated in line with UNCRPD and should be provided in the glossary of the ESF. • The incomplete definition of “inclusion” in the glossary must be changed to ensure inclusion of persons with disabilities. • The Bank is urged to stress “inclusive development” related to disability (e.g., that disabled children should be enrolled in the same school as other children rather than in separate, special ones).

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	Use of Borrower's Environmental and Social Framework	<p>4. 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)</p> <p>5. 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</p> <p>6. Role of Borrower frameworks in high and substantial risk projects</p>	<ul style="list-style-type: none"> • The Bank was requested to develop detailed guidelines which, among other things, would explain how to achieve inclusive development, universal access, etc. • Civil society should be involved in assessing the Borrower's frameworks. • Concern was raised about implementing the Borrower's framework as implementation/monitoring/governance was thought to be less than adequate.
	Co-financing/ common approach	<p>7. Arrangements on E&S standards in co-financing situations where the co-financier's standards are different from those of the Bank</p>	<ul style="list-style-type: none"> • Clarification was sought on how Bank is harmonizing with other financiers on FI operations.
	Adaptive risk management	<p>8. Approach to monitoring E&S compliance and changes to the project during implementation</p>	

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	Risk classification	9. Approach to determining and reviewing the risk level of a project	
ESS1	Assessment and management of environmental and social risks and impacts	10. Assessment and nature of cumulative and indirect impacts to be taken into account 11. Treatment of cumulative and indirect impacts when identified in the assessment of the project 12. Establishing project boundaries and the applicability of the ESSs to Associated Facilities, contractors, primary suppliers, FI subprojects and directly funded sub-projects 13. 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)	14. Legal standing of the ESCP and implications of changes to the ESCP as part of the legal agreement	
ESS2	Labor and working conditions	15. Definition and necessity of and requirements for managing labor employed by certain third parties (brokers, agents and intermediaries) 16. Application and implementation impacts of	<ul style="list-style-type: none"> • The inclusion of the labor standard was commendable. • ESS2 should more clearly address the issue of the informal sector and protections for it.

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		<p>certain labor requirements to contractors, community and voluntary labor and primary suppliers</p> <p>17. Constraints in making grievance mechanisms available to all project workers</p> <p>18. Referencing national law in the objective of supporting freedom of association and collective bargaining</p> <p>19. Operationalization of an alternative mechanism relating to freedom of association and collective bargaining where national law does not recognize such rights</p> <p>20. Issues in operationalizing the Occupational Health and Safety (OHS) provisions/standards</p>	
ESS3	Climate change and GHG emissions	<p>21. The relation between provisions on climate change in the ESF and broader climate change commitments, specifically UNFCCC</p> <p>22. Proposed approaches to measuring and monitoring greenhouse gas (GHG) emissions in Bank projects and implications thereof, in line with the proposed standard, including</p>	<ul style="list-style-type: none"> • The requirement to quantify GHG emissions should be mandatory. • Questions were raised as to why the threshold of GHG emissions in the previous draft (25,000 tCO₂/yr) was removed and a request was made to reinsert it in the revised draft. • The question was raised as to how the Bank is involved in Climate Change issues more generally, and in particular in the COP discussions.

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		<p>determining scope, threshold, duration, frequency and economic and financial feasibility of such estimation and monitoring</p> <p>23. Implications required for the Borrower of estimating and reducing GHG emissions for Bank projects, in line with the proposed standard</p>	
ESS5	Land acquisition and involuntary resettlement	<p>24. Treatment and rights of informal occupants and approach to forced evictions in situations unrelated to land acquisitions</p> <p>25. Interpretation of the concept of resettlement as a “development opportunity” in different project circumstances</p>	<ul style="list-style-type: none"> • The change of title was commendable. • The evaluation methodology should be set out in policy. • The Bank should consider financing the resettlement process in Bank projects so as to ensure that it is done adequately. • RAPs should be required before Board approval. • The “top-up” mode of compensation was suggested. • Regarding the issue of voluntary land donations, a suggestion was made to verify whether land donations are truly made on a voluntary basis.
ESS6	Biodiversity	<p>26. Operationalization of the provisions on primary suppliers and ecosystem services, especially in situation with low capacity</p> <p>27. Role of national law with regard to protecting and conserving natural and critical habitats</p> <p>28. Criteria for biodiversity offsets, including consideration of project benefits</p>	<ul style="list-style-type: none"> • The Bank was requested to engage in dialogue on conservation of natural resources with the Government of Bangladesh, and to implement projects on forest conservation.

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		29. Definition and application of net gains for biodiversity	
ESS7	Indigenous Peoples	30. Implementation of the Indigenous Peoples standard in complex political and cultural contexts 31. Implementation of ESS7 in countries where the constitution does not acknowledge Indigenous Peoples or only recognizes certain groups as indigenous 32. Possible approaches to reflect alternative terminologies used in different countries to describe Indigenous Peoples 33. 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 34. Criteria for establishing and implementation of Free, Prior and Informed Consent (FPIC) 35. Comparison of proposed FPIC with existing requirements on consultation 36. Application of FPIC to impacts on Indigenous Peoples' cultural heritage	<ul style="list-style-type: none"> • The terminology for “Indigenous Peoples” should be maintained. • The introduction of FPIC was commendable, but participants questioned why it was limited to only specific circumstances. • ESS7 should be aligned with the UN Declaration and with the spirit of ILO 169. • Projects should be canceled if FPIC is not obtained. • A request was made for a consultation session dedicated to Indigenous Peoples.
ESS8	Cultural Heritage	37. Treatment of intangible cultural heritage	

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		<p>38. Application of intangible cultural heritage when the project intends to commercialize such heritage</p> <p>39. Application of cultural heritage requirements when cultural heritage has not been legally protected or previously identified or disturbed</p>	
ESS9	Financial Intermediaries	<p>40. Application of standard to FI subprojects and resource implications depending on risk</p> <p>41. Harmonization of approach with IFC and Equator Banks</p>	
ESS10	Stakeholder engagement	<p>42. Definition and identification of project stakeholders and nature of engagement</p> <p>43. Role of borrowing countries or implementing agencies in identifying project stakeholders</p>	<ul style="list-style-type: none"> • NGOs should be involved in every phase of project preparation – Implementation, evaluation and monitoring.
General	EHSG and GIIP	<p>44. 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</p>	

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	Feasibility and resources for implementation	<p>45. 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</p> <p>46. Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness</p>	
	Client capacity building and implementation support	<p>47. Funding for client capacity building</p> <p>48. Approaches and areas of focus</p> <p>49. Approach to implementing the ESF in situations with capacity constraints, e.g., FCS, small states and emergency situations</p>	
	Disclosure	50. 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 Resettlement Action Plan (RAP) should be ready before Board approval.
	Implementation of the ESF	<p>51. Bank internal capacity building, resourcing, and behavioral change in order to successfully implement the ESF</p> <p>52. Ways of reaching mutual understanding between</p>	

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		Borrower and Bank on issues of difficult interpretation	
Other issues			<ul style="list-style-type: none"> • The ESF is too onerous. Concern was raised that it will be too difficult for government to take ownership and that meeting requirements will be delegated to consultants. • The ESF should be translated into Bangla. • Third party monitoring by NGOs was welcomed. • There is a need for a simplified version of the ESF, possibly a checklist for each ESS. • A question was raised about whether there was a target time frame for achievement of the framework goals (e.g., by the year 2050). • Clarification was sought on how the Bank will compile and accommodate all the feedback raised in 33 countries during phase 3 consultations. • Millions of people in the country are landless and when any development intervention takes place in the area, they become more vulnerable. The Policy should include this vulnerable group particularly. • More emphasis should be provided on 'Green Jobs' creation and ensure 'Decent Workplace environment'.