



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

Date: February 4, 2015.

Location (City, Country): Melbourne, Sydney.

Audience (Government, CSO, etc.): CSO.

Overview and Key Issues Discussed: Key issues discussed include disability and access; children rights; workers’ rights and the application of ESS2; resettlement; land adquisition and road safety.

| Specific Feedback from Stakeholders |
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| 1. General Comments |
| <ul style="list-style-type: none"> • The Bank should explain better how it will raise the bar of environmental and social standards and be more flexible while retaining its borrowers at a time where they can find financing with institutions like the Asian Infrastructure Investment Bank, which might have lighter environmental and social requirementst. • The Bank needs to improve its monitoring and evaluation (M&E) system and increase transparency. • A good M&E system requires greater clarity on how risks will be managed, precise definitions for loose terms in the policy like “conmesurate” and “significant” and pre-project baselines to which compare post-project outcomes. • Greater specificity is needed as per how will the implementation of the policy will take place whether is globally rolled out, pilot in several countries, etc. The Bank needs to explain how long the new and old-framework will co-exist, and the likely impact this will have on borrowers. • Financing for safeguards: the new framework will require more resources and new skills from Bank’s staff to implement the new policy and the Bank should explain how it expects to finance this and whether the next IDA Replenishment will ringfence funding specifically for this. |
| 2. A Vision for Sustainable Development |
| <i>No specific comments</i> |
| 3. World Bank Environmental and Social Policy |

DISABILITY

- **Disability:** The specific mention of disabilities in the framework is welcome but the text should fully integrate the UN Convention **principles** in alignment with the steps taken by UNDP and the Global Environmental Fund.
- **Collaboration:** Disability groups can help the Bank make the guidelines to address disabilities operational. Australia is a leader on disabilities and some of the disabilities networks could help the Bank to prepare Accessibility Guidelines. They could also help providing support upfront on disability training for WB staff.
- The Bank should ensure **consultation with disabilities group** throughout the drafting process, including at the time of writing specific guidelines.
- There is still room for the standards to improve. In the 2012-13 consultation process, one of the major issues raised by disabilities organizations was the **need for harmonization of international treaties to address disabilities**, however, the proposed framework makes no mention to this need. Improvements could also be made on **definitions** and the **overall conceptualization** of what disabilities mean.
- **Beyond universal access** is just one aspect of disabilities, the framework should embrace the full application of international conventions. The concept of universal access is critical and it is about equality for all (**non-discrimination**) not about creating special jobs for special people.
- **Assessment process:** the inclusion of people with disabilities should be consider as part of a whole social assessment not as a separate issue.
- Relying on the **community of expertise**. The consultation plan mentions that the Bank is talking to expert groups and other stakeholders to gather professional community expertise. Although there might be some academics which expertise is in disabilities, the real expertise come from those with real-life experience in living with disabilities.
- The Bank doesn't need to be an expert on disabilities, what needs is to start working in disabilities so that it will gain confidence over time. The more the Bank works in disabilities, the greater its expertise on the matter.
- The Bank needs to change the way it looks into disabilities: when preparing a project we cannot only think of people with disabilities as impacted or benefited by a project. People with disabilities also have a role throughout the whole process of the project and could be great contributors to help improve the project from the onset.
- It is **important that people with disabilities as seen as partners of the Bank not just as project-affected people**.
- **Access and engagement:** it is important to better communicate and engage with disabilities groups. Access is not enough.

CHILDREN RIGHST

- Unless the Bank invests in capacity building and raising awareness it won't be able to stop Children's rights violations. In Australia's experience, what works best to ensure child protection is to look at an increamental/holistic approach and not as a simple compliance-approach to child protection norms. Save the Children is happy to share with the Bank the experience gained in Australia at the national level.
- Pleased to see the Bank is incorporating part of what was raised on the first phase of this consultation process like including risk assessments around vulnerable groups and the mentioned of child labor.
- A more explicit mention to children and vulnerable groups with specific mention to age is needed. Children should be at the front and center of the framework.

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

No specific comments.

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

- The ESS2 within the proposed safeguards framework doesn't **keep ILO's Core Labour Standards** (freedom of association and right to collective bargaining; elimination of forced labor; abolition of child labor; non discrimination) intact, as reflected in the internationally recognized "Declaration of Fundamental Principles and Rights at Work"(1988) . The Bank's reference to **freedom of association** in the policy is included only as subjected to domestic/national laws. The current draft framework would also create a distinct and limited category of rights for public servants, and exclude migrant workers from non-discrimination
- The draft framework excludes **contract workers** of the protections as the proposal doesn't include contractors by borrowers – this contradicts IFC's Standards as well as EBRD's. Furthermore, the IEG Evaluation Report already indicated the Bank has poor labor standards.
- ILO could guide the Bank on how Public Procurement Policy can be implemented while protecting Workers Rights.
- On **implementation**: more information about the way the ESS2 will be applied at the operational level is needed.
- ESS2 and **child labor**: The language within the ESS2 policy refers to children as in connection to the project not as "project workers". The policy needs to explicitly address the issue of sub-contractors.
- ESS2 needs to fully adapt the definition of child labor, include the **minimum-age standard** established in the ILO standards even if the local laws does not go as far as including a minimum-age.

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

No specific comments

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

- The inclusion of **Road Safety** in the framework is seen as a great step forward but the Bank could improve the way it address the issue in the policy and through the operational portfolio.
- When doing risk assessments of road projects, the Bank should include "road deaths" as an objective measurement of the road inherent risk rather than just measure "travel time" as a proxy to real casualties.
- Better data on road accidents, both at the quantity and quality level is needed.
- The Bank should help ensure safest pedestrian paths across its portfolio not just as isolated projects.
- A specific annex on Road Safety (as there is one on Dam Safety) would be welcome.
- Projects should include objective indicators and not subjective recommendations to measure road safety. Roads should have specific safety targets, for example requesting a minimum of three stars based on the International Road Assessment Program.

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| 8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement |
| <ul style="list-style-type: none"> • Resettlement: the current policy undermines land and food security and the new approach is even riskier if we want to tackle poverty reduction as it seems that the resettlement policy is triggered only if linked to land acquisition. • Oxfam is working with the Asian Development Bank on safeguards for food security that include land and other issues as comprehensive baseline assessment which is a sustainable development issue, not just a no-harm issue. The Bank could learn from this new approach. |
| 9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources |
| <ul style="list-style-type: none"> • The policy misses the opportunity to broaden the coverage of ecosystems and the value of providing clean air, clean water, etc beyond just old-school mitigation. |
| 10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples |
| <i>No specific comments</i> |
| 11. Environmental and Social Standard 8 (ESS8): Cultural Heritage |
| <i>No specific comments</i> |
| 12. Environmental and Social Standard 9 (ESS9): Financial Intermediaries |
| <ul style="list-style-type: none"> • An exclusion list of type of projects that would not have access to financial intermediaries should be made available. |
| 13. Environmental and Social Standard 10 (ESS10): Information Disclosure and Stakeholder Engagement |
| <i>No specific comments</i> |