



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

Date: November 04, 2015
Location: Castries, St. Lucia
Audience: Multi-stakeholder

ESF	Issue	Items	Feedback
Vision	Human Rights	1. Approach to human rights in the ESF	<ul style="list-style-type: none"> Participants welcomed the inclusion of Human Rights in the Vision Statement of the proposed Environmental and Social Framework (ESF).
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"> Participants identified non-discrimination as one of their main concerns, and welcomed the inclusion of the principles of non-discrimination and inclusion in the ESF. Participants framed non-discrimination as a question of inclusion in the development process. They underscored that the “power differential” between the government and other stakeholders had to be addressed to ensure the non-discrimination of different communities from project benefits, and guarantee their inclusion. Participants highlighted that the screening of vulnerable groups should be done for every project.

			<ul style="list-style-type: none"> • Participants asked how the principle of non-discrimination would apply to stakeholder engagement. • Participants inquired on the difference between sexual orientation and gender identity.
	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>	
	Co-financing/ common approach	7. 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	8. Approach to monitoring E&S compliance and changes to the project during implementation	<ul style="list-style-type: none"> • Participants inquired about the difference between adaptation and mitigation.
	Risk classification	9. Approach to determining and reviewing the risk level of a project	<ul style="list-style-type: none"> • Participants asked how the World Bank would classify low, medium, substantial, and high risk projects, and how that differs from the current A, B, and C categorization.
ESS1	Assessment and management of environmental and social risks and impacts	<p>10. Assessment and nature of cumulative and indirect impacts to be taken into account</p> <p>11. Treatment of cumulative and indirect impacts when identified in the assessment of the project</p> <p>12. Establishing project boundaries and the applicability of the ESSs to Associated Facilities, contractors, primary suppliers, FI subprojects and directly funded sub-projects</p>	<ul style="list-style-type: none"> • Participants identified environmental and social risk assessments as a priority area. • Participants highlighted that there is often low capacity to assess risks, especially social risks, and that the World Bank should invest in capacity building efforts to improve environmental and social risk assessments.

		13. Circumstances under which the Bank will determine whether the Borrower will be required to retain independent third party specialists	<ul style="list-style-type: none"> • Participants inquired if civil society organizations would be consulted during the drafting of an Environmental and Social Assessment and, if so, what format would be used to consult. • Participants mentioned that the World Bank should offer funding opportunities to Civil Society Organizations (CSOs). • Participants asked if CSOs should partake in the review of project documents and plans.
	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 certain labor requirements to contractors, community and voluntary labor and primary suppliers 17. Constraints in making grievance mechanisms available to all project workers 18. Referencing national law in the objective of supporting freedom of association and collective bargaining 19. Operationalization of an alternative mechanism relating to freedom of association and collective bargaining where national law does not recognize such rights 20. Issues in operationalizing the Occupational Health and Safety (OHS) provisions/standards	
ESS3	Climate change and GHG emissions	21. The relation between provisions on climate change in the ESF and broader climate change commitments, specifically UNFCCC 22. Proposed approaches to measuring and monitoring greenhouse gas (GHG) emissions in Bank projects	<ul style="list-style-type: none"> • Participants identified climate change and greenhouse gas emissions as one of their main concerns and stressed the need to promote education around those issues.

		<p>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</p> <p>23. Implications required for the Borrower of estimating and reducing GHG emissions for Bank projects, in line with the proposed standard</p>	<ul style="list-style-type: none"> Participants inquired how the World Bank would be involved in efforts to educate different stakeholder groups on the causes of climate change and how to mitigate and prevent them.
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"> Participants asked how stakeholder consultation feedback was incorporated into projects that required resettlement.
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> <p>29. Definition and application of net gains for biodiversity</p>	<ul style="list-style-type: none"> Participants identified biodiversity as one of their main areas of concern. Participants inquired on how biodiversity was defined and how it differed from the definition of ecosystem services. Participants expressed that national law pertaining to protecting and conserving natural habitats was adequate, but that more needed to be done to build the capacity of the various ministries involved in those efforts.
ESS7	Indigenous Peoples	<p>30. Implementation of the Indigenous Peoples standard in complex political and cultural contexts</p> <p>31. Implementation of ESS7 in countries where the constitution does not acknowledge Indigenous Peoples or only recognizes certain groups as indigenous</p> <p>32. Possible approaches to reflect alternative terminologies used in different countries to describe Indigenous Peoples</p>	<ul style="list-style-type: none"> Participants inquired if and how Indigenous Peoples were incorporated into project design, especially given that “they are not as powerful as Governments.”

		<p>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</p> <p>34. Criteria for establishing and implementation of Free, Prior and Informed Consent (FPIC)</p> <p>35. Comparison of proposed FPIC with existing requirements on consultation</p> <p>36. Application of FPIC to impacts on Indigenous Peoples' cultural heritage</p>	
ESS8	Cultural Heritage	<p>37. Treatment of intangible cultural heritage</p> <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"> • Participants identified Stakeholder Engagement as the most important issue in the issues-list. • Participants inquired at what point in the project cycle, and under what circumstances, the Borrower and the World Bank held stakeholder consultations. • Participants asked what documents were consulted upon and if feedback from stakeholder engagement was incorporated into those documents. • Participants stated that the emphasis on the Borrower throughout the Framework diminished the voice of stakeholder groups that do not have the financial means or technical capacity to express their opinions on the feasibility of projects.

			<ul style="list-style-type: none"> • Participants underscored what they considered to be an asymmetry in voice and agency between them and the Government when engaging with the World Bank. Some stated that it was unfair that consultations were the Government’s responsibility. • Participants requested that the World Bank make funding available for stakeholders to engage on “equal grounds” with the government, and asked that the Bank consider providing CSOs with the opportunity to hire their own consultants to undertake consultations and research on a project feasibility’s. • Participants expressed that project consultations have the potential to be dominated by certain people within a community and that the World Bank should include mechanisms to prevent the potential dominance of a group during consultations. • Participants underscored that the Bank should invest more in capacity building for stakeholder engagement. • Participants emphasized that, compared to the Government, vulnerable groups are at a relative disadvantage when engaging with the World Bank and asked that the World Bank ensure that vulnerable groups are adequately consulted.
General	EHSG and GIIP	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	

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>	<ul style="list-style-type: none"> • Participants inquired if the Bank would be able to provide financial support for capacity building given the expansion in scope of the ESF. • Participants emphasized that capacity constraints were often an impediment to the implementation of safeguards policies.
Disclosure	50. Timing of the preparation and disclosure of specific environmental and social impact assessment documents (related to ESS1 and ESS10)	
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 Borrower and Bank on issues of difficult interpretation</p>	

Other issues

- Participants inquired how the World Bank dealt with pollution in the costal zones, particularly with pollution that arises due to changes in currents.
- Participants stated that the World Bank should establish a knowledge and learning mechanism for St. Lucia, where good practice examples could be kept and shared.
- Participants inquired if there is currently a mandated timeline to implement Environmental and Social Management Frameworks.
- Participants asked through what process borrowers requested funding from the World Bank.
- Participants asked if and how the World Bank validates the statistics used for its social analysis.