



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

Date: November 05 and 06, 2015
Location: Castries, St. Lucia
Audience: Government Representatives

ESF	Issue	Items	Feedback
Vision	Human Rights	1. Approach to human rights in the ESF	
ESP/ ESS 1	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	
	Use of Borrower's Environmental and Social Framework	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) 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	<ul style="list-style-type: none"> Participants asked what methodology would be used by the World Bank to evaluate a country framework. They inquired if past records of successfully implementing national frameworks would be taken into account.

		6. Role of Borrower frameworks in high and substantial risk projects	
	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 mentioned that in some occasions the government had failed to adequately capture changes that had happen during project implementation. They inquired if the proposed Framework included avenues for addressing changes that may occur during project implementation. • Participants asked who would be responsible for the monitoring and evaluation of projects.
	Risk classification	9. Approach to determining and reviewing the risk level of a project	<ul style="list-style-type: none"> • Participants inquired how borrower capacity would be taken into account to determine project risk-classification. • Participants emphasized that risk ratings need to include social risks and should not only be determined by the environmental risks of a project. • Participants asked if the borrower would be involved in determining the risk rating of a project and if that risk rating could be modified during project implementation. A participant gave the example of a project where the number of people being resettled increased, and how that could lead to an adjustment of the risk rating. • Participants asked what methodology would be used to determine the risk classification of a project. They asked how differences between environmental and social risks would be captured

			and if both environmental and social risks would be considered as having equal importance.
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> <p>13. Circumstances under which the Bank will determine whether the Borrower will be required to retain independent third party specialists</p>	<ul style="list-style-type: none"> • Participants asked to clarify who would be responsible for paying the cost of third party specialists that may be hired to prepare, or review, all, or part, of the environmental and social assessment. • Participants asked if environmental and social assessments would kept as separate documents or integrated.
	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	<p>15. Definition and necessity of and requirements for managing labor employed by certain third parties (brokers, agents and intermediaries)</p> <p>16. Application and implementation impacts of 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>	<ul style="list-style-type: none"> • Participants mentioned that St Lucia has an adequate occupational health and safety act, but that the government lacked the capacity to properly implement it. Participants inquired if the World Bank would help improve their capacity to implement OHS. They mentioned that government contractors would should also receive training. • Participants asked who would be responsible of monitoring compliance with ESS 2. • Participants stated that child labor was not prevalent in St. Lucia. • Participants mentioned that community labor schemes were frequent in St. Lucia.
ESS3	Climate change and GHG emissions	21. The relation between provisions on climate change in the ESF and broader climate change commitments, specifically UNFCCC	<ul style="list-style-type: none"> • Participants asserted that measuring greenhouse gas (GHG) emissions was an increased burden on the government and expressed doubt that

		<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 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>	<p>measurement it benefited countries that have low emissions.</p> <ul style="list-style-type: none"> • Participants underscored that the World Bank should consider actions that are already being taken by national governments because many countries have already signed GHG emission commitments. Participants stated that those commitments should be acknowledged by the World Bank. • Participants inquired if pest management would be applied to invasive species. • Participants asked if water quality is considered within the realm of resource efficiency in ESS 3.
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 inquired if the World Bank would finance land acquisition. • Participants stated that they have extensive experience in land acquisition, but that they sometimes encountered difficulties in the resettlement process. Participants mentioned that the government’s financial constraints sometimes led to projects stalling because of the requirement to compensate Project Affected Persons prior to resettling them. • Participants mentioned that the resettlement process was particularly challenging in cases where squatters are present, and suggested that squatters be treated on a case-by-case basis in every project.

			<ul style="list-style-type: none"> Participants underscored that the World Bank would benefit from approaching resettlement efforts as an opportunity for development. They stated that in the case of St. Lucia, several projects that involve resettlement increase the resilience of households. They stated that this happened, for example, in cases where building walls around structures increases their resilience to natural, catastrophic events. <p>A participant explained further and mentioned that, for example, walls built by the government on private property, in areas where landslides are common and frequently destroy structures and erode land, should be managed differently than cases where the government acquires land for purposes unrelated to improving the resilience of a private structure or land. The participant underscored that in many cases the government is helping a private individual secure his or her property, and that that person should not receive additional compensation for building on their land.</p> <ul style="list-style-type: none"> Participants requested that the World Bank invest in improving Government capacity to deal with land acquisition and resettlement. The participant highlighted that government consultants would also benefit from improved capacity.
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"> Participants stated that managing negative impacts on critical habitats was a major challenge in St. Lucia. Participants asked if the proposed Framework included the protection of critical habitats and inquired if it offered methods and tools.

		29. Definition and application of net gains for biodiversity	
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> <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 stated that improving stakeholder engagement is worthwhile endeavor and that it is extremely important for a project to be successful.

			<ul style="list-style-type: none"> Participants mentioned that improving relationships with elected officials was key for stakeholder engagement. In that regard, they mentioned that it was particularly important to obtain their acceptance to discuss the different projects being implemented in their constituencies.
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	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 46. Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness	
	Client capacity building and implementation support	47. Funding for client capacity building 48. Approaches and areas of focus 49. Approach to implementing the ESF in situations with capacity constraints, e.g., FCS, small states and emergency situations	<ul style="list-style-type: none"> Participants stated that there is a current need for capacity building in several areas, including resettlement and occupational work and safety. They mentioned that the need to improve capacity would continue to be a necessity under the ESF.
	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	51. Bank internal capacity building, resourcing, and behavioral change in order to successfully implement the ESF 52. Ways of reaching mutual understanding between Borrower and Bank on issues of difficult interpretation	

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Other issues:

- Participants urged the World Bank to consider incremental changes that may result from the adoption of the proposed Framework and added that the Bank should be careful not to add additional burdens on the borrower.
- Participants suggested that coral-reef restoration efforts be considered during the Safeguards planning process.
- Participants inquired if private-sector investments would be subject to the proposed Framework and highlighted that private investments are important sources of development funding in the Caribbean.
- Participants expressed concern that once an Environmental and Social Commitment Plan (ESCP) was written for a project, that information would later be taken as the assessment and management approach for all other projects. In that regard, participants stated that the World Bank should avoid that one ESCP is taken as the basis for all others and that each project needed to be assessed on a case by case basis.
- Participants mentioned that the maintenance of projects needed to improve in order to make projects more sustainable. They mentioned that projects often did not have the capital to sustain them once they had been completed.