

Environmental and Social Standard 6. Biodiversity Conservation and Sustainable Management of Living Natural Resources

Introduction

1. The World Bank ESS6 recognizes, and through ESS6 seeks to promote, the protection and conservation of biodiversity and sustainable management of living natural resources as fundamental to sustainable development. This ESS defines sustainable development as development that meets the needs of the present without compromising the ability of future generations to meet their own needs. This ESS defines biodiversity as the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species, and of ecosystems. This ESS also recognizes biodiversity as the living natural capital that supplements and influences economic growth and human well-being. Biodiversity is inextricably linked to ecosystem services, and is manifested through the provisioning of these services. Biodiversity is essential for ecosystem functions, and functional diversity is important for supporting the flow of ecosystem goods and services, including maintaining resilience to disturbances such as climate change.¹

Comment [A1]: It is important for this to be framed as a statement of WB policy and commitment.

Comment [A2]: ...using the Brundtland report definition.

2. ESS6 recognizes the importance of maintaining core ecological functions of habitats, especially natural habitats and the biodiversity they support, and that all habitats support complexities of living organisms and vary in terms of species diversity, abundance and importance. The objective of biodiversity conservation and sustainable management of living natural resources must be implemented so that with the potential for realizing benefits of the multiple economic, social and cultural values of biodiversity and living natural resources is an optimized manner.

Comment [A3]: "Balanced" implies this is a zero-sum choice. Experience shows that sustainable management can achieve both development and conservation goals.

3. ESS6 also addresses the need to consider the livelihoods of Indigenous Peoples and affected communities whose access to, or use of, biodiversity or living natural resources may be affected by a project. The potential, positive role of Indigenous Peoples and affected communities in biodiversity conservation and sustainable management of living natural resources will also be considered as a value to be safeguarded.

Objectives

4. The World Bank through this ESS commits itself and its Borrowers:

- To protect and conserve biodiversity and natural ecosystems using a precautionary approach.
- To promote the sustainable management of living natural resources through the adoption of practices that integrate conservation needs and development priorities, recognizing the importance of living natural resources to the livelihoods of the poor in developing economies.
- To maintain and enhance the benefits provided by local and global ecosystem services.
- To prevent the conversion and degradation of critical habitats as a result of Bank-financed projects, limit conversion and degradation of all other natural habitats to the extent possible consistent with sustainable development, and mitigate any negative impacts to natural habitats or ecosystem services.

Comment [A4]: Consistent with PS6.

Scope of Application

5. The applicability of this ESS is established and disclosed during the environmental and social assessment described in ESS1. At a minimum, this ESS shall apply whenever projects are of high or substantial environmental risk or when they are based on the environmental and social assessment, the requirements of this ESS are applied to all projects that potentially affect biodiversity and ecosystem services, either positively or negatively, or depend on biodiversity and ecosystem services for their success.

Comment [A5]: Need an explicit minimum standard.

Comment [A6]: Best for this to be unified so joined para. 5 to 4 and added to the text.

6. This ESS applies to projects that affect the rights and welfare of people and their level of dependence upon or interaction with natural habitats. This ESS also applies to projects that involve the primary production of living natural resources or where such resources are central to the project's core function (see in particular paragraphs 25- 31), and projects that aim to bring about changes in the management, protection or utilization

Comment [A7]: From OP 4.36

of natural forests or plantations. The ESS additionally applies to areas of modified habitat that include significant biodiversity or ecosystem service value.ⁱⁱ

Comment [A8]: From OP 4.36

Requirements

A. General

7. "Habitat" is defined as a terrestrial, freshwater, or marine geographical unit or airway that supports assemblages of living organisms and their interactions with the non-living environment. Habitats vary in their sensitivity to impacts and in the various values society attributes to them. This ESS requires a differentiated risk management approach to habitat based on such sensitivity and values, as well as on values that the Borrower may have not fully recognized (positive or negative externalities) but that are important to human well-being nonetheless. In all cases, biodiversity values and their supporting ecological processes will be determined on an ecologically relevant scale. This ESS addresses all habitats; the more sensitive habitats are divided into "critical habitat,"¹ "legally protected and internationally recognized areas of biodiversity value,"² and "priority biodiversity features."²

Comment [A9]: This may be too restrictive a basis in those countries where environmental awareness is low or where economic pressures for unsustainable development are high.

Comment [A10]: To be consistent with IFC PS 6.

Comment [A11]: It may be preferable simply to adopt definitions already established under PS 6.

8. The environmental and social assessment as set out in ESS1 will consider direct, ~~and~~ indirect, and cumulative project-related impacts on biodiversity and ecosystem services. This process will consider threats to biodiversity and ecosystem services, for example habitat loss, degradation and fragmentation, invasive alien species, overexploitation, hydrological changes, nutrient loading, pollution and incidental take, as well as projected climate change impacts. It will also take into account the differing values attached to biodiversity and ecosystems by affected communities and other stakeholders. Where paragraphs 15- 19 are applicable, the Borrower will consider project-related impacts across the potentially affected landscape or seascape.

Comment [A12]: It is important to include ecosystem services throughout to ensure a comprehensive (ecosystem) approach and to account for areas where, despite low biodiversity *per se*, ecosystems provide important services.

9. The Borrower will avoid adverse impacts on biodiversity and ecosystem services. When avoidance of adverse impacts is determined through an alternatives analysis not to be possible, the Borrower will implement measures to minimize, ~~then and~~ mitigate, adverse impacts and restore biodiversity. The Borrower will ensure that competent biodiversity expertise is used to conduct the environmental and social assessment, to assist in the development of a mitigation hierarchy that complies with this ESS, and to verify the implementation of mitigation measures. Where appropriate, the Borrower will develop a Biodiversity Action Plan, which includes procedures for monitoring, assessment, and implementation of mitigation of impacts on natural habitats and ecosystem services. Biodiversity Actions Plans (BAPs) typically include a series of

Comment [A13]: Mitigation can be an important additional action where residual impacts remain significant even following minimization.

Comment [A14]: Text on BAPs drawn from EBRD.

1 Critical habitat is defined as areas with high biodiversity or high conservation value as described the HCV resource network [<https://www.hcvnetwork.org/>], including: (a) the presence of highly threatened or unique habitats; (b) Endangered or Critically Endangered species or ecosystems as listed on the International Union for the Conservation of Nature (IUCN) Red Lists of Threatened Species and Ecosystems; (c) geographically restricted and endemic species or habitats; (d) migratory or congregatory species; (e) primary or intact natural forests, (f) areas having biodiversity or natural resources of significant socio-cultural or economic importance to local communities, including areas initially recognized as protected by traditional local communities (e.g. sacred groves), and or (ge) biodiversity features, landscapes, and evolutionary processes that are vital to maintaining the viability of biodiversity features described above in (a) to (fe). The determination of critical habitat based on listings other than the IUCN Red List of Threatened Species is as follows: (i) if the species is listed nationally/ regionally as critically endangered or endangered in countries that have adhered to IUCN guidance, the critical habitat determination will be made on a project by project basis in consultation with competent professionals; and (ii) in instances where nationally or regionally listed species' categorizations do not correspond well to those of the IUCN (e.g., some countries more generally list species as "protected" or "restricted"), an assessment will be conducted to determine the rationale and purpose of the listing. In this case, the critical habitat determination will be based on such an assessment.

Comment [A15]: ...since not all conservation values arise from biological diversity alone.

2 Priority biodiversity features are defined as a subset of biodiversity that are particularly irreplaceable or vulnerable, but at a lower priority level than critical habitat (as defined in footnote 1 of this ESS). As such, they comprise significant concentrations of at least one of the following features: (a) threatened habitats; (b) vulnerable species; (c) significant biodiversity features identified by a broad set of stakeholders or governments (such as Key Biodiversity Areas or Important Bird Areas where these fail to meet any of the critical habitat criteria); and (d) ecological processes, structures and functions needed to maintain the viability of these priority biodiversity features.

goals, objectives and management measures to mitigate residual impacts to achieve no net loss/net gains of priority biodiversity features or critical habitat. The goal/objectives should be realistic and based on measurable targets. Each objective should outline a series of actions and include completion indicators or monitoring targets, and the responsible party and a time frame. BAPs should be developed in consultation with relevant stakeholders, including government, external experts, local/international conservation organisations and project-affected communities. At a minimum, such a plan will be guided by national (NBSAP) and local biodiversity action plans and support/advance the implementation of applicable international law and conventions, including all of the following that apply:

Comment [A16]: ...this text, drawn from IFC PS 6, is needed to ensure BAPs meet a minimum standard.

- The Convention on Biological Diversity, 1992 (CBD).
- The Convention on the Conservation of Migratory Species of Wild Animals, 1979 (Bonn Convention).
- The Convention on International Trade in Endangered Species of Wild Flora and Fauna, 1975 (CITES).
- The Convention on Wetlands of International Importance especially as Waterfowl Habitat, 1971 (Ramsar Convention).
- The Convention Concerning the Protection of World Cultural and Natural Heritage, 1972 (UNESCO World Heritage Convention).

Additionally, the plan should adhere to the form and content prescribed in IFC Guidance Note 6, Annex A, “Developing a Biodiversity Action Plan/Biodiversity Management Plan,” or to a more comprehensive model where provided for by national or sub-national legislation.

10. The Borrower will not use any Bank funds to finance or support: (a) plantations that involve any conversion or degradation of critical habitats, including adjacent or downstream critical habitats;³ or (b) projects that, in the Bank’s opinion (which opinion shall be informed by key stakeholders, including affected communities both in the project area and downstream), would involve significant conversion or degradation (direct or indirect) of critical habitats, including forest, wetland, coastal, riverine, or marine areas.

Comment [A17]: Relying on the “Bank’s opinion” is fair, provided it is sufficiently informed.

Assessment of Risks and Impacts

11. Through the environmental and social assessment, the Borrower will identify and the Bank will verify the potential project-related risks to and impacts on habitats and the biodiversity and ecosystem services that they support. The assessment undertaken by the Borrower, and reviewed by the Bank to ensure conformity with this ESS, will include consideration of potential risks to and impacts on the ecological integrity and ecological functions of the habitats, independent of their protection status and regardless of the current degree⁴ of their disturbance or degradation. The extent of the assessment will be sufficient to characterize the risks and impacts, based on their likelihood and their significance and severity, and reflect the concerns of potentially affected communities and, where relevant, other stakeholders. It should consider direct, ~~and~~ indirect (upstream and downstream), and cumulative -project-related impacts on biodiversity and ecosystem services, including potential landscape level impacts, ~~and~~ identify any significant residual impacts to be addressed through the project mitigation strategy.

Comment [A18]: Bank responsibilities also need to be specified here and throughout.

12. The Borrower’s assessment and the Bank’s review will include baseline conditions to a degree that is proportional and specific to the anticipated risk and significance of impacts. In planning and undertaking biodiversity and ecosystem services related baseline and impact assessments, the Borrower will refer to the EHSs and other relevant GIIP, utilizing desktop and field-based approaches as required. Where further investigations are needed on the significance of potential impacts, the Borrower will carry out, to the Bank’s

³ Plantations should be sited on unforested sites or land already converted and of little to no conservation value (excluding from eligibility for financing any land that has been converted in anticipation of the project or has high conservation value, including grasslands, wetlands, coastal areas, and other non-forest ecosystems in good condition). In view of the potential for plantation projects to introduce invasive alien species and threaten biodiversity, such projects must be designed to prevent and mitigate these potential threats to natural habitats.

Comment [A19]: Some secondary forests are still of high biodiversity or conservation value.

⁴ Pre-project.

satisfaction and in accord with GIIP, additional studies and/or monitoring before undertaking any project-related activities that could cause materially adverse impacts to potentially affected habitats and the biodiversity and ecosystem services that they support.

13. ~~Where applicable,~~The assessment will consider the cultural and livelihood uses of, and dependence on, natural resources and ecosystems by, ~~and will incorporate consultations with,~~ Indigenous Peoples and affected communities who live in or around the project area and whose use of biodiversity and ecosystem resources may be affected by the project, as well as their potential role in the conservation and sustainable use of such biodiversity and ecosystem resources. The Borrower will incorporate consultations with, and will take into account the views, roles, and rights of groups including local governmental and nongovernmental organizations and local communities, affected by Bank-financed projects involving natural habitats, and to involve such people in planning, designing, implementing, monitoring, and evaluating such projects.

14. As a matter of GIIP, effective resource allocation and Bank policy, Borrower assessments of environmental and social risks and impacts should begin at the earliest stages of project ~~Upstream~~ planning and take into account the full range of options, including no-project, cross-sectoral, cross-boundary, and innovative alternatives to deliver goods and services at least cost and greatest efficiency, with full environmental and social costs incorporated over the lifetime of the project and its upstream and downstream impacts. In addition, the Bank will work with Borrowers to undertake upstream planning of their development project portfolios to ensure that the Borrower's portfolio is consistent with environmental and social sustainability and that alternative development pathways, including low carbon and ecosystem-based approaches, are considered in a full social cost accounting framework. ¶

15. Where the assessment has identified potential impacts to biodiversity and ecosystem services, the Borrower will manage these impacts in accordance with the mitigation hierarchy and GIIP. The Borrower will also adopt a precautionary approach and apply adaptive management practices in which the implementation of mitigation and management measures are responsive to changing conditions and the results of project monitoring.

Conservation of Biodiversity and Natural Ecosystems Conservation

16. For the protection and conservation of biodiversity and natural ecosystems, avoidance of impacts is the first and key principal of conservation and sustainable management of living natural resources. The mitigation hierarchy also includes biodiversity offsets, which will be considered only after appropriate avoidance, minimization, mitigation and as a last resort penultimate step, restoration measures have been applied.⁵ Where these steps are inadequate to achieve the objectives of this ESS, the project may need to be re-designed to avoid damage to unique or endemic biodiversity or natural habitats, including consideration of a "no project" alternative. In cases where overriding development benefits make project re-design infeasible, a biodiversity offset will be designed and implemented to achieve measurable conservation outcomes⁶ that can reasonably be expected to result in no net loss and preferably a net gain of biodiversity; in the case of critical habitats, a net gain⁷ is required. The design of a biodiversity offset will adhere to the "like-for-like or

⁵ Biodiversity offsets are conservation measures additional to what would have likely occurred without the project. They lead to measurable conservation outcomes as a result of actions designed to compensate for adverse biodiversity impacts from projects that remain after appropriate avoidance, minimization and restoration measures have been taken. Biodiversity offsets should follow GIIP, including provisions for long-term monitoring, verification and evaluation, be incorporated into a national conservation plan, and be developed with relevant stakeholders. Offsets should be undertaken only in circumstances of adequate governance, in which the Borrower demonstrates sufficient institutional capacity to sustain the additional conservation measures over the project impact period. ¶

⁶ Measurable conservation outcomes for biodiversity must be demonstrated in situ (on-the-ground) and on an appropriate geographic scale (e.g., at the local, landscape, national or regional level).

⁷ Net gains are additional conservation outcomes that can be achieved for the biodiversity values for which the critical habitat was designated. Net gains may be achieved through the development of a biodiversity offset and/or, in instances where the Borrower could meet the requirements of paragraph 17 of this ESS without a biodiversity offset, through the implementation of programs in situ (on-the-ground) to enhance habitat, and protect and conserve biodiversity.

Comment [A20]: It's important that project analysis be broad enough to consider potential externalities and alternatives that might avoid the project altogether, and that this be done in context of an integrated approach to sustainable development.

Comment [A21]: Offsets have to be additional to what would have likely occurred without the project.

better” principle⁸ and will be carried out in alignment with GIIP. When a Borrower is considering the development of an offset as part of the mitigation strategy, external experts with knowledge in offset design and implementation will be involved.

17. Wherever feasible, Bank-financed projects are sited on lands already converted (excluding any lands that were converted in anticipation of the project). The Bank does not support projects involving the significant conversionⁱⁱⁱ of natural habitats unless there are no feasible alternatives to the project and its siting, and comprehensive analysis demonstrates that overall benefits from the project substantially outweigh the environmental and social costs. If environmental assessment indicates that a project would significantly convert or degrade natural habitats, the project includes mitigation measures acceptable to the Bank.

Comment [A22]: From OP 4.36
The Bank may want to apply the same language on benefits outweighing costs to the paragraph on priority biodiversity features.

1618. If priority biodiversity features are identified as part of the assessment, the Borrower will seek to avoid adverse impacts on them in accordance with the mitigation hierarchy. Where priority biodiversity features have the potential to be adversely affected by the project, the Borrower will not implement any project related activities unless:

- (a) There are no technically and financially feasible alternatives; and
- (b) Appropriate mitigation measures are put in place, in accordance with the mitigation hierarchy, to ensure no net loss and preferably a net gain of priority biodiversity features over the long term, or, where appropriate and supported by relevant stakeholders, the conservation of biodiversity of greater importance. Where any residual adverse impacts remain, the Borrower will consider the use of compensatory measures, such as biodiversity offsets.

1719. Where the habitat to be adversely affected by the project is considered to be a critical habitat, such habitat will not be further converted or degraded and to the extent that its ecological integrity or biodiversity importance is compromised. Consequently, in areas of critical habitat, the Borrower will not implement any project activities unless all of the following conditions are met:

Comment [A23]: See (c) below.

(a) The project is essential to achievement of national development goals and no other viable alternatives within the region exist for development of the project in habitats of lesser biodiversity value;

Comment [A24]: If the project is non-essential, it does not justify impact on critical habitat.

(b) The project is designed to enhance the natural ecosystem, and its operations produce clear, substantial, long-term conservation and social benefits.

(b) Any due process required under international obligations under international or national law, including required due process, whether that is a prerequisite or a condition to a country or other governmental or inter-governmental authority granting approval for project activities in or adjacent to a critical habitat, have been complied with;

Comment [A25]: Needs to cover substance of such obligations as well as due process.

(c) The potential adverse impacts, or likelihood of such, on the habitat will not impair its ability to function, and its ecological integrity or biodiversity importance is not compromised;

Comment [A26]: Re-positioned from chapeau portion of original draft.

(d) The project is designed to deliver net gains for critical biodiversity features affected by the project and to enhance the natural ecosystem, so its operations produce clear long-term conservation and social benefits;

(e) The project is designed to avoid any extinctions or risk thereof and is not anticipated to lead to a net reduction in the population⁹ of any Endangered or Critically Endangered species or ecosystems, over a

⁸ The principle of “like-for-like or better” indicates that biodiversity offsets must be designed to conserve the same biodiversity values that are being affected by the project (an “in kind” offset). In certain situations, however, areas of biodiversity to be affected by the project may be neither a national nor a local priority, and there may be other areas of biodiversity with like values that are a higher priority for conservation and sustainable use and under imminent threat or in need of protection or effective management. In these situations, it may be appropriate to consider an “out-of-kind” offset that involves “trading up” (i.e., where the offset targets biodiversity of higher priority than that affected by the project), which will, for critical habitats, meet the requirements of paragraph 17 of this ESS.

⁹ Net reduction is a singular or cumulative loss of individuals that affects the species’ ability to persist at the global and/or regional/national scales for many generations or over a long period of time. The scale (i.e., global and/or regional/national) of the potential net reduction is determined based on the species’ listing on either the (global) IUCN Red List and/or on regional/national lists. For species listed on both the (global) IUCN Red List and the national/regional lists, the net reduction will be based on the national/regional population.

reasonable time period;¹⁰ and

(f) A robust and appropriately designed, long-term biodiversity monitoring and evaluation program aimed at assessing the status of critical habitat is integrated into the Borrower's management program.

~~18~~20. Where a Borrower has satisfied the conditions set out in paragraph ~~17~~19, the project's mitigation strategy will be described in a Biodiversity Action Plan (as described in para. 9 above), ~~and~~ set out in the legal agreement (including the ESCP) with its fulfillment as a financing condition.

~~19~~21. In those exceptional instances where biodiversity offsets are as a last resort proposed as part of the mitigation hierarchy, the Borrower will demonstrate through an assessment that the project's significant residual adverse impacts on biodiversity and ecosystems will be adequately mitigated to meet the conditions of paragraph ~~19~~ and recognize that ~~ing~~ some residual impacts are not offsettable (see paras. 22-23).

Legally Protected and Internationally Recognized Areas of Biodiversity Value

~~20~~22. Where the project occurs within or has the potential to adversely affect an area that is legally protected,¹¹ previously legally protected, or internationally recognized or designated for protection, the Borrower will identify and assess potential project-related adverse impacts and apply the mitigation hierarchy so as to prevent, minimize, or mitigate adverse impacts from projects that could compromise the integrity, conservation objectives or biodiversity importance of such an area. Biodiversity offsets are not ~~permitted~~ to be used as a ~~mitigation~~ mechanism to allow or permit project activities in IUCN Protected Areas Categories i – iv or UNESCO-designated World Heritage Sites. Borrowers may however implement activities specifically designed to enhance protection and management of these areas to offset impacts outside of such areas.

~~21~~23. The Borrower will meet the requirements of paragraphs ~~16~~5 through ~~22~~19 of this ESS, as applicable. In addition, the Borrower will:

- (a) Demonstrate that the proposed development in such areas is legally permitted;
- (b) Act in a manner consistent with any government recognized management plans for such areas;

10 The timeframe in which Borrowers must demonstrate "no net reduction" of Critically Endangered and Endangered species will be determined on a case-by-case basis and, where appropriate, in consultation with external experts, but at a minimum should cover the period of operation of the project.

11 The World Bank's ESS recognizes legally protected areas that meet the IUCN definition: "A clearly defined geographical space, recognized, dedicated and managed, through legal or other effective means, to achieve the long-term conservation of nature with associated ecosystem services and cultural values." For the purpose of this ESS, this includes areas proposed by governments for such designation, as well as areas that once held said designation but subsequently lost legal protections through downgrading, downsizing, or de-gazettement. Additionally, the Bank will consider as legally protected Indigenous Protected Areas (IPAs) that do not have a formal legal framework, but have Indigenous interests having declared or dedicated their land and/or sea for a conservation purpose in line with deeply held cultural commitments to the health of wildlife and the environment. Borrowers will be invited to recognise such IPAs as a part of the Protected Area System, consistent with the "legal or other effective means" phrase within the IUCN definition of a protected area. ['Indigenous interests' is used here to refer to the Indigenous groups, organisations or individuals that have or would assert rights and interests over a particular area of land or sea. These might include one or all of Indigenous Traditional Owners or Native Title holders (or claimants), Indigenous communities or families, Indigenous corporations or associations, or representative organisations such as land councils.] The justification for such addition reflects the fact that rights of indigenous and other traditional peoples in connection with protected areas are often an international responsibility, since many of the lands, territories, waters, coastal seas and other resources which they own or otherwise occupy or use cross national boundaries. See ESS 7; see also "Indigenous and Traditional Peoples and Protected Areas: Principles, Guidelines, and Case Studies," International Union for Conservation of Nature, Gland, Switzerland, 2000; and *Indigenous Protected Areas* (by Bruce Rose, Department of Sustainability, Environment, Water, Population and Communities, Gov't of Australia; published by The Nature Conservancy, 2012) [http://www.nature.org/cs/groups/webcontent/@web/@australia/documents/document/prd_062372.pdf].

Comment [A27]: Following is drawn from the referenced texts and should be reinforced in ESS 7. The wording here may be further refined, but the inclusion of Indigenous Protected Areas is important to ensure that coverage is comprehensive.

- (c) Consult protected area sponsors and managers, affected communities, Indigenous Peoples and other stakeholders on the proposed project, as appropriate; and
- (d) Implement additional programs, as appropriate, to promote and enhance the conservation aims and effective management of the area.
- (e) Report any legal changes required with respect to area status for the project to occur to an independent, authoritative, and publicly-accessible global database, and to the Bank.¹²

Invasive Alien Species

2224. Intentional or accidental introduction of alien, or non-native, species of flora and fauna into areas where they are not normally found can be a significant threat to biodiversity and ecosystems, since some alien species can become invasive, spreading rapidly and out-competing native species.

2325. The Borrower will not intentionally introduce, and will intentionally avoid introduction of, any new alien species (not currently established in the country or region of the project) unless this is carried out in accordance with the existing regulatory framework for such introduction. Notwithstanding this exception above, the Borrower will not deliberately introduce, and will intentionally avoid introduction of, any alien species with a high risk of invasive behavior regardless of whether such introductions are permitted under the existing regulatory framework. All introductions of alien species will be subject to a risk assessment (as part of the Borrower’s environmental and social assessment) to determine the potential for invasive behavior. The Borrower will implement measures to avoid the potential for accidental or unintended introductions including the transportation of substrates and vectors (such as soil, ballast, and plant materials) that may harbor alien species.

Comment [A28]: There needs to be an affirmative commitment for this to be effective.

2426. Where alien species are already established in the country or region of the proposed project, the Borrower will exercise diligence in not spreading them into areas in which they have not already been established. Where feasible, the Borrower will take measures to eradicate such species from the natural habitats over which the Borrower has management control, consistent and where possible in collaboration with international efforts toward the same goal.

Sustainable Management of Living Natural Resources

2527. Borrowers with projects involving the use of living natural resources will assess the sustainability of the resources and their proposed use. Where feasible, the Borrower will locate land-based commercial agriculture and forestry projects^{13a} (particularly projects involving land clearing or afforestation) on land that is already converted or highly degraded (excluding any lands that were converted in anticipation of the project), unless the Bank approves an exception justified by both the low value of the existing ecosystem and high expected return on investment. When the Borrower invests in commercial or production forestry in either natural forests or plantations, these forests need to be managed sustainably. Borrowers will manage living natural resources in a sustainable manner, through the application of industry-specific good-best management standards and available technologies.

Comment [A29]: This provides clear criteria (as vs. “where feasible”).

28. To be eligible for Bank financing, commercial harvesting operations must also a) be certified under an independent forest certification system acceptable to the Bank as meeting standards of responsible forest management and use; or b) where a pre-assessment under such an independent forest certification system determines that the operation does not yet meet the requirements of subparagraph 28(a), adhere to a time-bound phased action plan acceptable to the Bank for achieving certification to such standards. Where such primary production practices are codified in standards that are globally, regionally, or nationally recognized,

Comment [A30]: Language from OP 4.36

¹² I.e., report to UNEP-WCMC WDPA, PADDDtracker.org, or a newly established, independent and publicly available database within the World Bank.

¹³ This does not include institutional development work on governance, legality and policy, although such work shall support the objectives of this safeguard.

the Borrower will implement sustainable management practices following one or more of these standards as demonstrated by independent verification or certification.

29. To be acceptable to the Bank, a forest certification system must require:

- a) compliance with relevant laws;
- b) recognition of and respect for any legally documented or customary land tenure and use rights as well as the rights of indigenous peoples and workers;
- c) measures to maintain or enhance sound and effective community relations;
- d) conservation of biological diversity and ecological functions;
- e) measures to maintain or enhance environmentally sound multiple benefits accruing from the forest;
- f) prevention or minimization of the adverse environmental impacts from forest use;
- g) effective forest management planning;
- h) active monitoring and assessment of relevant forest management areas; and
- i) the maintenance of critical forest areas and other critical natural habitats affected by the operation.

2630. In addition, Globally, regionally, or nationally recognized standards for sustainable management of living natural resources are those which: (a) are objective and achievable; (b) are founded on a multi-stakeholder consultative process including as relevant local people and communities; indigenous peoples; nongovernmental organizations representing consumer, producer, and conservation interests; and other members of civil society, including the private sector; (c) encourage step-wise and continual improvements; (d) are based on objective and measurable performance standards, and (e) provide for independent verification or certification through appropriate accredited bodies for such standards.¹⁴³

2731. Borrowers involved in the production of crops, animal husbandry, or aquaculture should follow GIIP¹⁵⁴ to avoid or minimize adverse impacts and resource consumption. Borrowers involved in the farming of animals for meat, fish or their by-products (such as milk, eggs, wool) should employ GIIP in animal husbandry, or aquaculture (as relevant) techniques, with due consideration for religious and cultural principles.

2832. Where relevant and credible standard(s) exist, but the Borrower has not yet obtained independent verification or certification to such standard(s), the Borrower will conduct a pre-assessment of its conformity to the applicable standard(s) and take actions to achieve such verification or certification in a timeframe acceptable to the Bank, before or during disbursement of funds.

2933. The Borrower may implement harvesting operations conducted by small-scale producers, by local communities under community forest management, or by such entities under joint forest management arrangements, if these operations: (a) have achieved a standard of forest management developed with the meaningful participation of locally-affected communities, consistent with the principles and criteria of responsible forest management outlined in paragraph 25, even if not formally certified; or (b) adhere to a time-bound action plan to achieve such a standard. The action plan must be developed with the meaningful participation of communities and be acceptable to the Bank. The Borrower will monitor and report on all such operations and action plan implementation with the meaningful participation of locally-affected communities.

3034. If a project financed by the Bank includes land clearing and related salvage logging that cannot follow internationally recognized certification schemes as per paragraphs 27-305 of this ESS, the Borrower will ensure that logging areas are kept to a minimum, avoidare not critical habitats, and are justified by the project's technical requirements, mitigation measures are taken, and that relevant national legislation and

¹⁴³ A credible certification system would be one that is independent, cost-effective, based on objective and measurable standards and developed through consultation with relevant stakeholders, such as local people and communities, Indigenous Peoples, and civil society organizations representing consumer, producer and conservation interests. Such a system has fair, transparent and independent decision-making procedures that avoid conflicts of interest.

¹⁵⁴ For example, the principles of the UN Food and Agriculture Organization Good Agricultural Practice (FAO GAP).

other relevant standards are being followed. Recognizing that disturbances are natural and important processes in many ecosystems, and salvage logging is often highly detrimental to the structure and function of natural ecosystems, salvage logging will only be carried out when and in a manner consistent with the goal of restoring and maintaining the integrity of forested ecosystems.

345. In the absence of a relevant and credible global, regional, or national standard for the particular living natural resource in the country concerned, the Borrower will commit to applying GIIP as a condition of Bank financing.

Monitoring and Evaluation

326. Biodiversity monitoring should be undertaken for any project for which a biodiversity action plan has been prepared and for any project for which offsets have been required. Monitoring is needed for: 1) project-level adaptive management informing observance and potential modification of conservation actions to be more effective; 2) informing and receiving feedback on conservation actions from project stakeholders; and 3) reporting outcomes and ensuring observance of national and international standards.

Wetland, Coastal and Marine Areas

337. The Bank, along with other international organizations and member states, is committed to the principle of working with natural processes and respecting the carrying capacity of ecosystems, which will make human activities more environmentally friendly, socially responsible, and economically sound¹⁶. It recognizes that coastal areas, with their closeness to human population centers, have suffered disproportionately and mainly from man-made stresses. Habitat loss in such areas has far-reaching impacts on the entire ocean's biodiversity and ecosystem. These critical areas, which include estuaries, swamps, marshes, and wetlands, serve as breeding grounds or nurseries for nearly all marine species. Wetlands additionally maintain hydrological balances, recharge freshwater aquifers, prevent erosion, and buffer land from storms. Effective marine conservation and coastal sustainable development require that a holistic approach be undertaken to identify and respond to the full spectrum of threats, impacts, and their causes in marine and coastal ecosystems.¹⁷

348. Accordingly, this ESS requires that the Borrower, in activities affecting wetland, coastal, or marine areas, seek to implement such an approach, including by planning and acting to:

- Locate commercial aquaculture and fishery projects (particularly projects involving coastal clearing or dredging) in areas that are already converted or highly degraded;
- reduce direct pollutant discharges into waterways, use municipal wastewater treatment facilities, and manage polluted runoff, where discharges or runoff are, or may be, a result of project activities;
- implement pollution controls where pollutants are, or may be, a result of project activities;
- refrain from dumping any material into the ocean that would degrade or endanger human health or the marine environment;
- conserve threatened or endangered freshwater, coastal and marine species and habitats;
- implement water-efficiency measures, including the purchase, installation, and implementation of water-efficient products and practices; reduce industrial, landscaping, and agricultural water consumption; and identify, promote, and implement water reuse strategies;
- sustainably manage fisheries and other marine resources (where actually or potentially impacted)

¹⁶ From EU ICZM Recommendation (EC, 2002)

¹⁷ For more information, see: http://www.undp.org/content/dam/aplaws/publication/en/publications/environment-energy/www-ee-library/biodiversity/mares-conserving-ocean-ecosystems-and-safeguarding-coastal-communities/MARES%20Program%20Brochure_FT.pdf (on which foregoing text is based).

Comment [A31]: This text could be further fleshed out and evaluation element addressed.

Comment [A32]: In principle, these areas are covered by general language on critical and natural habitats. Nevertheless, we find it useful to underscore the special values and needs of these areas given their susceptibility to unsustainable development.

Comment [A33]: Measures listed here below are consistent with/drawn from major objectives of U.S. and EU environmental protection legislation. Welcome refinement from any more comprehensive or authoritative sources.

- through ecosystem-based management¹⁸; and
- contribute to establishment or maintenance of well-managed, representative networks of wetland, coastal, and Marine Protected Areas¹⁹, proportionate to project impacts.

These measures will be determined in consultation with affected stakeholders and with the Bank to ensure sufficiency to meet objectives of this ESS. All measures will be publicly disclosed and are to be coordinated with and complementary to all relevant requirements of ESS 3, Resource Efficiency and Pollution Prevention.

Climate Change Impacts

359. It is well-established that climate change is, along with habitat loss, one of the most serious threats to biodiversity and ecosystem services and that, conversely, -biodiversity and healthy ecosystems provide valuable services for mitigating and adapting to climate change.²⁰ Accordingly, in addition to fulfilling the Resource Efficiency and Pollution Prevention standards outlined in ESS 3, Borrowers will seek both to avoid and mitigate projects' climate impacts on biodiversity and ecosystem services and to develop and apply biodiversity and ecosystem-based approaches to avoid or limit projects' negative climate impacts.

3640. For all high and substantial risk projects, or projects that meet any of the criteria for Category A projects in the Common Approaches for Officially Supported Export Credits and Environmental and Social Due Diligence²¹, the Bank requires that its Borrowers assess the costs and benefits to biodiversity and ecosystems of climate impacts that their project may be expected to generate, directly and indirectly, and undertake mitigation of, and adaptation to, such impacts so that the project's climate impacts on biodiversity and living natural resources are either beneficial or minimized, to the extent consistent with overall resource efficiency (marginal benefits exceed marginal costs). Given the difficulty of knowing future climate impacts on specific biodiversity and ecosystems, for purposes of this requirement, this means that current and future project-engendered greenhouse gas (GHG) emissions will be either avoided or offset, -to the extent marginal benefits exceed marginal costs. Where GHG emissions result from Agriculture, Forestry and Other Land Use (AFOLU), Borrowers should undertake REDD++²² to meet this requirement. Additionally, Borrowers will avoid any project activities that result in maladaptation, defined as action taken ostensibly to avoid or reduce vulnerability to climate change that impacts adversely on, or increases the vulnerability of other systems, sectors, or social groups²³.

18 Ecosystem-based management (EBM) aims to achieve sustainable exploitation of natural resources by balancing the social and economic needs of human communities with the maintenance of healthy ecosystems. Management decisions are made using multiple lines of evidence and a precautionary approach. See http://wwf.panda.org/what_we_do/how_we_work/conservation/marine/.

19 For further guidance on MPAs, Borrowers should refer to: R.V. Salm, John Clark, and Erkki Siirila (2000). *Marine and Coastal Protected Areas: A guide for planners and managers*. International Union for Conservation of Nature and Natural Resources (IUCN). Washington DC, xxi+ 371pp [<http://cmsdata.iucn.org/downloads/mpaguid2.pdf>].

20 See *Turn down the Heat*, World Bank, 2012, pp. 49-54. See also BIODIVERSITY AND CLIMATE CHANGE ISSUE PAPER No. 1 Biodiversity and ecosystems: synergies for mitigating and adapting to climate change [<http://www.unep.org/delc/Portals/119/issuepapers/FINALISSUE%20PAPERNo1.pdf>] "It is now widely recognized that climate change and biodiversity are interconnected, not only through the effects of climate change on biodiversity, but also through changes in biodiversity and ecosystem functioning that affect climate change." Anne-Marie Wilson, Secretariat of the Convention on Biological Diversity (SCBD), CBD-UNEP Issue Paper Series, 2010.

21 OECD Working Party on Export Credits and Credit Guarantees, TAD/ECG(2012)5, 28-Jun-2012, and any subsequent updates. See especially para. 11 and Annex I [[http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=tad/ecg\(2012\)5&doclanguage=en](http://www.oecd.org/officialdocuments/publicdisplaydocumentpdf/?cote=tad/ecg(2012)5&doclanguage=en)].

22 REDD++ = REDD+ plus all transitions in land cover that affect GHG emissions.

23 According to Elsevier [Global Environmental Change 20 (2010) 211–213]: "There are at least five distinct types or pathways through which maladaptation arises; namely actions that, relative to alternatives: increase emissions of greenhouse gases, disproportionately burden the most vulnerable, have high opportunity costs, reduce incentives to adapt, and set paths that limit the choices available to future generations."

Comment [A34]: While we recognize that ESS3 is the primary safeguard dealing with climate, given climate change's impacts on natural systems, and the role of natural systems in mitigating and adapting to climate change, it is useful to highlight and include appropriate standards specifically addressing this relationship.

3741. At the same time, recognizing the contributions that biodiversity, natural habitats and ecosystems make to climate stability and resilience, Borrowers will consider and, where technically and financially feasible, apply the value of these resources to the project. Specifically, Borrowers will, with advice and support of the Bank, apply ecosystem-based mitigation and adaptation measures where these methods' marginal benefits exceed marginal costs²⁴.

Management of Ecosystem Services

42. Where a project is likely to adversely impact ecosystem services, the borrower will conduct a systematic review to identify priority ecosystem services. Priority ecosystem services are two-fold: (i) those services on which project operations are most likely to have an impact and, therefore, which result in adverse impacts on affected communities; and (ii) those services on which the project is directly dependent for its operations (e.g., water). When affected communities are likely to be impacted, they should participate in the determination of priority ecosystem services in accordance with the stakeholder engagement process as defined in ESS 10.

43. With respect to impacts on priority ecosystem services of relevance to affected communities, adverse impacts should be avoided. If these impacts are unavoidable, the client will minimize them and implement mitigation measures that aim to maintain the value and functionality of priority services. With respect to impacts on priority ecosystem services on which the project depends, clients should minimize impacts on ecosystem services and implement measures that increase resource efficiency of their operations so that the services and the project's sustainability is not compromised.

B. Supply Chain

384422. Where a Borrower is purchasing primary production (especially but not exclusively food and fiber commodities) that is known to take place in regions where there is a risk of significant conversion or degradation of natural and/or critical habitats, ~~the Borrower will implement a sustainable procurement policy, management procedures, and verification systems and verification practices will be assessed~~ as part of the Borrower's environmental and social assessment to evaluate its primary suppliers.^{46.25} The systems and verification practices and Bank due diligence will:

- (a) identify where the supply is coming from and the habitat type of this area;
- (b) provide for an ongoing review of the Borrower's primary supply chains;
- (de) limit procurement to those suppliers that can demonstrate that they are not contributing to significant conversion or degradation of natural and/or critical habitats or adversely impacting core ecological functions of affected ecosystems (this may be demonstrated by delivery of certified product, or progress subprojects verification or certification under a credible scheme in certain commodities and/or locations); and
- (d) ~~where possible, require~~ actions to shift the Borrower's primary supply chain ~~over time during the project period~~ to suppliers that can demonstrate that they are not significantly adversely impacting these areas. Given that ~~the~~ the ability of the Borrower to fully address these risks will depend upon the Borrower's level of management control or influence over its primary suppliers, ~~the Bank will avoid financing for any Borrower who indicates an absence or insufficiency of management control or influence over its primary suppliers where there is a risk of significant conversion or degradation of natural and/or critical habitats.~~

Comment [A35]: The following two paragraphs reflect input from the World Resources Institute. They could also be placed earlier in the document (e.g. following para. 21 of this version).

Comment [A36]: From EBRD

²⁴ See *Convenient Solutions to an Inconvenient Truth: Ecosystem-based Approaches to Climate Change*, Environment Department, World Bank, 2009. Examples of actions that projects should consider in fulfillment of this requirement are:

- Protecting terrestrial, freshwater, and marine ecosystems and ecological corridors to conserve terrestrial and aquatic biodiversity and ecosystem services.
- Integrating protection of natural habitats into strategies to reduce vulnerability and disaster risks (including protection from natural hazards such as floods, cyclones and other natural disasters).
- Scaling up country dialogue and sector work on valuation of ecosystem services and the role of natural ecosystems, biodiversity and ecosystem services in underpinning economic development.
- Emphasizing the linkages between protection of natural habitats and regulation of water flows and quality of water, essential for agriculture, food security, and domestic and industrial supplies.
- Scaling up investments for protected areas and natural ecosystems linked to sector lending, such as infrastructure, agriculture, tourism, water supply, fisheries, forestry.
- Promoting greater action on management of invasive alien species, which are linked to land degradation, and impact negatively on food security, and water supplies.
- Emphasizing the multiple benefits of forest conservation and sustainable forest management (carbon sequestration, water quality, reducing risks from natural hazards, poverty alleviation, and biodiversity conservation).
- Promoting investments in natural ecosystems as a response to mitigation (avoided deforestation) and adaptation (wetland services).
- Integrating indigenous crops and traditional knowledge on agro-biodiversity and water management into agricultural projects as part of adaptation strategies.
- Promoting more sustainable natural resource management strategies linked to agriculture, land use, habitat restoration, forest management and fisheries.
- Developing new financing mechanisms and integrating ecosystem benefits into new adaptation and transformation funds.
- Using strategic environment assessments as tools to promote protection of biodiversity and ecosystem services.
- Monitoring investments in ecosystem protection within mainstream lending projects and documenting good practices for dissemination and replication.
- Developing new tools to measure the benefits of integrated approaches to climate change (ecosystem services, biodiversity conservation, carbon sequestration, livelihood co - benefits and resilience).

[Chapter 5, p. 79.]

25 Primary suppliers are those suppliers who provide goods or materials essential for the core business process of the project.

ⁱ As stated in INVESTING IN NATURAL CAPITAL FOR ERADICATING EXTREME POVERTY AND BOOSTING SHARED PROSPERITY: A Biodiversity Roadmap for the WBG [WORLD BANK REPORT NUMBER 88753-GLB, JUNE 2014].

ⁱⁱ Modified habitats are areas that may contain a large portion of plant and/or animal species of non-native origin, and/or where human activity has substantially modified an area's primary ecological functions and species composition. Modified habitats may include areas managed for agriculture, forest plantations, reclaimed coastal zones, and reclaimed wetlands.

ⁱⁱⁱ Significant conversion or degradation is (i) the elimination or severe diminution of the integrity of a habitat caused by a major and/or long-term change in land or water use; or (ii) a modification that substantially minimizes the habitat's ability to maintain viable populations of its native species or to provide ecosystem services. Significant conversion may include, for example, land clearing; replacement of natural vegetation (e.g., by crops or tree plantations); permanent flooding (e.g., by a reservoir); drainage, dredging, filling, or channelization of wetlands; or surface mining. In both terrestrial and aquatic ecosystems, conversion of natural habitats can occur as the result of severe pollution.

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ESS7: See separate document.

Environmental and Social Standard 8. Cultural Heritage

Introduction

1. The World Bank through ESS 8 recognizes the importance and value of cultural heritage for current and future generations, as a source of valuable scientific and historical information, as an asset for economic and social development, and as an integral part of people's cultural identity, practices and continuity. The Bank through ESS 8 aims to ensure that the Borrower protects cultural heritage throughout the life of the project.

2. The World Bank through ESS 8 recognizes the importance of cultural heritage, and commits itself to affirm and respect it, ~~ing~~ directly and through Borrowers' implementation of national and international laws and regulations relating to cultural heritage, including those laws and regulations that relate to the cultural heritage of Indigenous Peoples.

Objectives

- To protect cultural heritage from the adverse impacts of project activities and support its preservation.
- To address cultural heritage as an integral aspect of sustainable development.
- To promote the equitable sharing of benefits from the use of cultural heritage.

Scope of Application

3. The application of this ESS is established during the environmental and social assessment described in ESS1, or during stakeholder consultations described in ESS 10, or when projects are specifically designed to support the management or conservation of cultural heritage.

4. The term "cultural heritage" is defined as resources which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions. Cultural heritage may be valued at the local, regional or national level, or within the international community. Cultural heritage may be natural, or built/manufactured, or handmade, or a combination thereof. Natural cultural heritage may be an object or feature or group thereof and living and/or non-living.ⁱⁱⁱ

5. ESS 8 applies to projects that are likely to have adverse impacts on cultural heritage. Notwithstanding this, ESS 8 will always apply when the relevant project:

- (a) Involves significant excavations, demolition, movement of earth, flooding or other changes in the physical environment; or
- (b) Is located in, or in the vicinity of, a recognized cultural heritage site.

6. The requirements of ESS 8 apply to cultural heritage regardless of whether or not it has been legally protected or previously identified or disturbed.

7. Should the requirements of ESS8 differ from the provisions under ESS7 that are applicable to cultural heritage of Indigenous Peoples, the provisions of ESS7 ~~or~~ both will apply.

Requirements

A. General

8. The environmental and social assessment, as set out in ESS1, will consider direct, indirect and cumulative project-specific impacts on cultural heritage. Through the environmental and social assessment, the Borrower, in consultation with the stakeholders, as set out in ESS 10, will determine whether the proposed activities of the project are in areas where cultural heritage exists, or is likely to exist.

9. The Borrower will avoid impacts on cultural heritage. When the Bank agrees with the Borrower's assessment that avoidance of impacts e.g. through project re-design or relocation is not possible, the Borrower will identify and implement measures to minimize, mitigate, and provide compensation for impacts on (including, where agreed, restoration of) cultural heritage, in accordance with the mitigation hierarchy. Where appropriate, the Borrower will develop a Cultural Heritage Management Plan.²

10. If the environmental and social assessment and stakeholder consultations determines that the project may, at any time during the life of the project, have impacts on cultural heritage, the Borrower will: (a) retain competent professionals with skills to lead or to assist in the identification and protection of cultural heritage; and (b) ensure that internationally recognized practices for field-based study, documentation and protection of cultural heritage are implemented, including by contractors and other third parties. As part of the

internationally recognized practices, the Borrower will develop a chance find procedure³ for managing chance finds⁴, which will be included in all contracts relating to construction of the project.

11. The Borrower will, on the basis of the consultation with stakeholders described in paragraph 14 below and applicable legal requirements, develop and implement appropriate measures⁵ to address impacts on cultural heritage, taking into account the additional requirements set out below for specific categories of cultural heritage.

12. Mitigation measures will be set out in the legal agreement (including the ESCP) **and reviewed by the Bank to ensure conformity with the purposes and requirements of this ESS and others referenced herein; if not in conformity, the Bank will require the Borrower as a condition of loan approval to revise the measures to achieve conformity.**

B. Identification of Stakeholders and Consultation

13. The environmental and social assessment will identify all relevant stakeholders for cultural heritage that is known to exist or is likely to be encountered during the life of the project, through the application of ESS 10. Stakeholders will include: (a) project-affected communities within the host country who use, or have used

2 The Cultural Heritage Management Plan **is an assessment of an area to determine the nature of cultural heritage and a description of/schedule for measures to be taken before, during and after a project to manage and protect cultural heritage identified in the assessment.** It will include an implementation timeline and an estimate of resource needs for each mitigation measure. This may be developed as a stand-alone plan or, **depending on where** the nature and the scale of the risks and impacts of the project **are not of great significance**, be included as part of the ESCP.

3 A chance find procedure is a project-specific procedure that outlines the actions to be taken and the procedures to be followed if previously unknown cultural heritage is encountered. Such procedure will include a requirement to notify relevant competent bodies of found objects or sites; to train project personnel on chance find procedures; to fence off the area of finds to avoid any further disturbance possibility; and to not disturb any chance find further until an assessment by competent professionals is made and actions consistent with the requirements of this ESS and national law are identified.

4 Archaeological material encountered unexpectedly during project construction or operation.

5 Appropriate mitigation measures include chance find procedures; measures for strengthening the capacity of national, **and sub-national, and local** institutions responsible for managing cultural heritage affected by the project; establishment of a monitoring system to track the progress and efficacy of these activities; establishment of an implementation schedule and required budget for the identified mitigation measures; and cataloguing **and preservation** of finds.

within living memory, the cultural heritage for longstanding cultural purposes; (b) relevant national or local regulatory agencies that are entrusted with the protection of cultural heritage; and (c) relevant nongovernmental organizations and experts, including international cultural heritage organizations.

14. The Borrower will consult **in advance** with stakeholders, and encourage them to participate in identifying and assigning value⁶ to cultural heritage affected by the project⁷, assessing potential impacts, and exploring avoidance and mitigation options.

Disclosure and Confidentiality

15. The Borrower, in consultation with the Bank and persons with relevant expertise, **including those individuals or groups in local communities with authority to represent and negotiate regarding the heritage place(s)**, will determine whether disclosure of information regarding cultural heritage required under the ESSs would compromise or jeopardize the safety or integrity of such cultural heritage. In such cases, sensitive information may be omitted from public disclosure.

Community Access

16. Where the Borrower's project site contains cultural heritage or prevents access to previously accessible cultural heritage sites, the Borrower will, based on consultations with users of the site, allow continued access to the cultural site, or will provide an alternative access route. Continuing access will be designed and facilitated taking into account health, safety and security considerations, as well as any cultural practices associated with access to the site.

C. Provisions for Specific Types of Cultural Heritage

Archaeological Sites and Artifacts

17. Archaeological sites comprise any combination of structural remains, artifacts and ecological elements. A site may be located entirely beneath, partially above, or entirely above the land or water surface.

18. Where there is evidence of past human habitation in the area of the project, the Borrower will conduct a surface survey to document, map and investigate archaeological remains.⁸ The Borrower will document the location and characteristics of archaeological sites and artifacts discovered during the life the project and provide such documentation to the national or subnational cultural heritage authorities, and upon request to the Bank, all of whom shall be empowered to review and respond to such documentation, including requests to expand its scope or provide further detail, and to seek correction in case of error or omission, which request shall normally be honored by the Borrower.

19. The Borrower, informed by and taking into account all stakeholder and expert inputs, will determine if archaeological remains and artifacts discovered during the life of the project require: (a) documentation only; (b) excavation and documentation; or (c) conservation in place; and will manage them accordingly. The Borrower will determine ownership and custodial responsibility for artifacts in accordance with national and subnational law, and will arrange for their identification and storage to enable future study, analysis and publication by local stakeholders and experts.

6 The value of tangible cultural heritage is identified and assigned significance according to the value systems and interests of affected groups and stakeholders with an interest in the protection and appropriate use of the tangible heritage. Some cultural heritage may be considered as priceless and/or irreplaceable. In such cases, the value may not be 1) determined in monetary terms, but relative to other cultural heritage, health, livelihoods, or relationships; and 2) used to set compensation, unless agreed by owners and affected communities in an FPIC process.

7 The Borrower will ensure the inclusion and cooperation of the various stakeholders through a dialogue with the appropriate authorities, including the relevant national or local regulatory agencies entrusted with the protection of cultural heritage, to establish the most effective means for addressing the views and concerns of the stakeholders and involving them in the protection and management of the cultural heritage.

8 The Borrower will employ relevant experts and adopt an appropriate, feasible, cost-effective method.

Historical Structures

20. Historic structures are single or groups of architectural works in their urban or rural setting as evidence of a particular civilization, a significant development or a historic event. Historic structures include groups of

buildings, structures and open spaces constituting historic to current human settlements that are recognized as cohesive and valuable from an architectural, prehistoric, aesthetic, spiritual or contemporary socio-cultural perspective.

21. When the project has a direct or definite but indirect impact, other than (one designed for) cultural (heritage) preservation, on single or groups of cultural heritage structures, the Borrower will first seek to avoid such impacts. If impacts are unavoidable, the Borrower will identify appropriate mitigation measures, which may range from documentation, to conservation or rehabilitation in situ, to relocation and conservation or rehabilitation. During any rehabilitation or restoration of cultural heritage structures, the Borrower will ensure that the authenticity of form, construction materials and techniques of the structure(s) are maintained.⁹

22. The Borrower will preserve the physical and visual context of individual or groups of historic structures by considering the appropriateness and effect of project infrastructure proposed for location within the range of sight.

Natural Features with Cultural Significance

23. Natural features may be imbued with cultural heritage significance.¹⁰ Often the designation of cultural significance is kept secret, known only to a specific local population, and associated with ritual activities or events. The sacred character of such heritage may pose a challenge in determining how to avoid or mitigate damage. While the value of such heritage may reside in small local groups or minority populations, and be of limited significance beyond the local context, this does not diminish the responsibility of the Borrower to determine how to avoid or mitigate damage.

24. The Borrower will identify natural features with cultural heritage significance affected by the project, the population that values such features, and the individuals or groups with authority to represent and negotiate regarding the location, protection and use of the heritage place(s). The Borrower will determine whether it is possible to transfer the cultural heritage and/or sacred characteristics of a place to another location. If this is the case, the agreement that is reached with the individuals, groups, or communities with the authority to represent/ negotiate on this will respect and enable continuation of the traditional practices associated with such transfer. Following this identification and determination, the Bank or independent expert will review and affirm or return the Borrower's proposal for further consultation and agreement with affected communities.

25. If the location, characteristics, or traditional use of natural features with cultural heritage significance are held in secret by the affected communities, the Borrower, its contractors, and the Bank will respect the need for confidentiality before, during, and after the project.

Movable Cultural Heritage

26. Movable cultural heritage includes such objects as: historic or rare books and manuscripts; paintings, drawings, sculptures, statuettes and carvings; modern or historic religious artifacts; historic costumes, jewelry and textiles; fragments of monuments or historic buildings; archaeological artifacts; and natural history collections such as shells, flora, or minerals. Discoveries and access resulting from a project may increase the vulnerability of cultural artifacts to theft or abuse.

⁹ In accordance with applicable national and sub-national laws and/or zoning regulations.

¹⁰ Examples include sacred hills, mountains, landscapes, streams, rivers, waterfalls, caves and rocks; sacred trees or plants, groves and forests; carvings or paintings on exposed rock faces or in caves; and paleontological deposits of early human, animal or fossilized remains.

27. The Borrower will identify, document, and reports to affected communities movable cultural heritage objects that may be endangered by the project and make provisions for their protection throughout the life of the project. The Borrower will inform religious or secular authorities or other custodians with responsibility for oversight and protection of the artifacts of the schedule for project activities and alert them regarding the potential vulnerability of movable cultural heritage artifacts. The Borrower will take all necessary and prudent measures to guard against theft and illegal trafficking of cultural heritage artifacts affected by the project and will notify relevant authorities of any illegal activity.

D. Commercialization of Intangible Cultural Heritage

28. Where a project, having obtained or in course of obtaining FPIC [as defined in ESS 7, para. 20] of affected communities, intends to use cultural heritage, including knowledge, innovations or practices of local communities, for commercial purposes, the Borrower will inform the affected communities of:

- (a) their rights under local, national, and international law;
- (b) the scope and nature of the commercial development and the potential impacts; and

(c) the potential consequences of such development and impacts.

This information will be in a language and format accessible to affected communities, provided in timely manner (sufficiently in advance of use for deliberation thereon and acceptance or rejection thereof), and complete, factual, and transparent, such that informed decisions may be based thereon.

29. The Borrower will not proceed with the project unless it: (a) carries out meaningful consultation as described in ESS10; (b) provides for fair and equitable sharing of benefits from commercialization of such cultural heritage, consistent with customs and traditions of the affected communities; and (c) identifies mitigation measures according to the mitigation hierarchy, beginning with avoidance of impacts on cultural heritage, and including (in order of preference) minimization, mitigation, and compensation for unmitigated impacts.

ESS9: See separate document.

Environmental and Social Standard 10: Information Disclosure and Stakeholder Engagement

Introduction

1. The World Bank ~~this ESS~~ recognizes and through this ESS seeks to underscore and give effect to the importance of open and transparent engagement between the Borrower, communities affected by the project, project workers, and, ~~where appropriate,~~ other project stakeholders as an essential element of good international practice. Effective stakeholder engagement ~~can~~ improves the environmental and social sustainability of projects, and enhances project acceptance. In particular, effective community engagement appropriate to the nature and scale of the project promotes sound and sustainable environmental and social performance, and ~~can lead to~~ improved financial, social and environmental outcomes, and enhanced community benefits. It is central to building strong, constructive, and responsive relationships that are essential for the successful management of a project's environmental and social risks and impacts. Stakeholder engagement is most effective when initiated at an early stage, and continues throughout the life-cycle of the project. It is an integral part of the assessment, management and monitoring of the project's environmental and social risks and impacts.

2. This ESS identifies stakeholder engagement as an ongoing process involving: (a) **early and comprehensive** identification of stakeholders and their concerns; (b) **timely and accessible** disclosure of **all relevant and** appropriate project information; (c) meaningful **and transparent** consultation with stakeholders; (d) **ensure accessibility of facilities free from discrimination and free from environment barriers for vulnerable peoples and those with disabilities;** and (e) establishment of **an effective** mechanism by which people can make comments on project proposals and performance or raise grievances **related to the project, the Borrower, or Bank financing thereof.**

3. This ESS will be read **and applied** in conjunction with ESS1. Requirements regarding engagement with workers are found in ESS2. Special provisions on emergency preparedness and response are covered in ESS4. In the case of projects involving involuntary resettlement and/or economic displacement, affecting Indigenous Peoples or having an adverse impact on cultural heritage, the Borrower will also apply the special disclosure and consultation requirements set out in ESS5, ESS7 and ESS8.

Objectives

The World Bank through this ESS commits and seeks:

- ☒ To outline a systematic approach to stakeholder engagement that will help Borrowers build and maintain a constructive relationship with their stakeholders and ensure disadvantaged and vulnerable groups' participation, in particular project-affected communities.
- ☒ To promote improved environmental and social performance and sustainability of Borrowers through effective engagement with their stakeholders.
- ☒ To promote and provide means for adequate engagement with project-affected communities throughout the project cycle on issues that could potentially affect them and to ensure that meaningful environmental and social information is fully disclosed to them and to other stakeholders in a timely manner.
- ☒ To ensure that all stakeholders have ways to access project information and raise issues in a timely manner.
- ☒ To ensure that project-affected communities have accessible means to raise issues and grievances, and that Borrowers respond to and manage such issues and grievances appropriately, including through full and timely implementation of all ESSs.

Scope of Application

4. ESS10 applies to all projects supported by the Bank through Investment Project Financing. The Borrower is expected to engage with relevant stakeholders as an integral part of the project's environmental and social assessment and project implementation, as outlined in ESS1 and to the satisfaction of the Bank.
5. For the purpose of this ESS, "stakeholder" refers to persons or groups potentially affected by project actions in its area of influence, and may be considered synonymous with project-affected communities and, where appropriate other stakeholders. Other stakeholders are those who may be not directly affected by the project, but that have a stake or active interest in it or its impacts. These could include national and local authorities, neighboring projects, or local, national, or international civil society/non-governmental organizations.

Requirements

6. Borrowers will engage with stakeholders by providing them with access to timely, relevant, understandable and accessible information, and by consulting in a culturally-culturally and age appropriate manner, and free of manipulation, interference, coercion and intimidation. Such consultations will be done through inclusive means that are accessible to persons with disabilities both through physical access to facilities where the information is provided and by ensuring it is offered in multiple forms such as sign language, Braille, large print, audio, plain-language, human-reader or accessible electronic media technology.
7. Stakeholder engagement will involve, as appropriate, the following elements: stakeholder identification and analysis, stakeholder engagement planning, disclosure of information, consultation and participation, grievance acceptance and response, and ongoing reporting to project-affected communities and stakeholders.

8. The nature, scope and frequency of stakeholder engagement will be commensurate with and proportionate to the nature and scale of the project and its potential impacts on affected communities, the sensitivity of the environment, and the level of public and stakeholder interest. In order to tailor the engagement to the specifics of the Borrower and the project, it is essential that Borrowers identify and analyze the project's stakeholders as outlined below.

A. Information Disclosure

9. For all projects, Borrowers will consult with stakeholders to identify issues and concerns in order to inform the environmental and social assessment and the design and implementation of the project and other ESSs.

10. Disclosure of relevant project information helps stakeholders understand the risks, impacts and opportunities of the project. If communities or groups may be affected by environmental or social impacts from the project, the Borrower will provide them with access to the following information:

- (a) The purpose, nature and scale of the project;
- (b) The planned timing and duration of proposed project activities and major factors affecting them;
- (c) Process for and results of the environmental and social assessment (ESA) and any risks to and potential impacts on communities (whether noted in the ESA or not) and proposed mitigation plans;
- (d) The envisaged stakeholder engagement process, if any, and opportunities and ways in which stakeholders can participate in each stage of the project cycleⁱⁱⁱ;
- (e) The time, language, and venue of any envisaged public consultation meetings, and the process (including language) by which meetings are notified, summarized, and reported; and
- (f) The process and means by which grievances are raised and managed.

10Aa. Minimum disclosure requirements. For high and substantial risk projects, the borrower/client will submit to the World Bank the following documents for disclosure on World Bank's website:

- (a) a draft environmental and social impact assessment and management plan, along with a draft stakeholder engagement plan;
- (b) preliminary/draft borrower environmental and social framework assessment /gap analysis; draft common approach agreement for multi-donor projects; draft gap analysis of multi-donor projects in advanced state of construction; draft environment and social commitment plans, draft resettlement frameworks and/or plans, and draft Indigenous Peoples planning frameworks and/or plans at least 120 days before Board consideration or before project appraisal;
- (c) final or updated environmental and social impact assessments and management plans, final environmental and social commitment plans, resettlement plans, and Indigenous Peoples plans;
- (d) ~~The Borrower will disclose and consult~~ the draft ESCP, to be incorporated in a Stakeholder Engagement Plan, beginning with a draft terms of reference at concept review and an advanced draft at appraisal for review during consultations. The full ESCP will be disclosed in accordance with the SEP as part of the legal agreement, and if updated or revised during implementation.ⁱⁱⁱ
- (e) annual environmental, involuntary resettlement, and Indigenous Peoples monitoring reports submitted by borrowers/clients during project implementation.

11. The information will be disclosed in local language(s) and in a manner that is accessible and culturally and age appropriate, taking into account any specific needs of groups that may be differentially or disproportionately affected by the project because of their status or groups of the

population with specific information needs (such as, literacy, gender, differences in language or accessibility of technical information). These disclosures will be subject to Bank review and approval to ensure completeness and accuracy; failing this, the Bank will request revision to meet these standards.

B. Engagement during Project Preparation

Stakeholder Identification and Analysis

12. The Borrower, in collaboration with the community, will identify the various individuals or groups who: (a) are affected or likely to be affected by the project (project-affected communities); or (b) may have an interest in the project (other stakeholders).²¹

13. The Borrower will identify individuals and groups that may be differentially or disproportionately affected by the project because of their disadvantaged or vulnerable status.²³ Where relevant, the Borrower will also ensure a diversity of views by identifying different interests within the identified groups, for example, representing different ages, genders and ethnic and cultural diversity, who may have different concerns and priorities about project impacts, mitigation mechanisms and benefits, and who may require different, or separate, forms of engagement. The Borrower will also identify how each group of stakeholders may be affected and the likely extent of potential impacts. An adequate level of detail will be included in the stakeholder identification and analysis so as to determine the level of communication that is appropriate for the project.ⁱⁱⁱ

13a. For projects that are *High Risk* or contentious, or that involve serious multidimensional environmental or social risks or impacts, the Borrower may be required to form an advisory group that involves representatives of local organizations. Such an advisory group will, depending on the project, provide independent advice and oversight to the design and implementation of the SEP, including on diversity of participation, translation and communication needs, location, methodology, reaching agreement on meeting summary and interpretation of complex or qualitative concepts such as broad community support.

Stakeholder Engagement Plan

14. The Borrower will develop and implement a Stakeholder Engagement Plan (SEP), subject to Bank review and approval to ensure it meets these requirements.⁴³ The SEP will describe the plans for timing and methods of engagement with the project-affected communities and other stakeholders, and reporting on such engagement, throughout the life-cycle of the project, including as part of the environmental and social assessment. The SEP will also describe the range of information to be communicated to stakeholders, as well as information to be sought from them. Engagement will be appropriate to the nature and scale of the risks, impacts and development stage of the project, and the nature and level of stakeholder impacts and concerns, as determined through the application of the ESSs. For projects with little or no impact on project-affected communities, stakeholder engagement may be minimal. The A draft SEP will be publicly disclosed prior to project appraisal, and a final SEP will be disclosed upon project approval. Updates to the SEP during implementation will also be disclosed before consultations start.

15. The SEP will be tailored to take into account the main characteristics and interests of the stakeholders, and the different levels of engagement and consultation that will be appropriate for different stakeholders. The SEP will set out how communication with stakeholders will be handled throughout project preparation and implementation, including the grievance mechanism required. The frequency and type of engagement will be determined on a case-by-case basis.

¹² See paragraph 5.

²³ Disadvantaged or vulnerable refers to those who, by virtue of, for example, their age, gender, ethnicity, religion, physical or mental disability, social and civic status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources, may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such a person/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. Considerations relating to age include the elderly and minors, including in circumstances where they may be separated from their family, the community or other individuals upon which they depend.

³⁴ The SEP may be developed as a stand-alone plan or, depending on the nature and the scale of the risks and impacts of the project, be included as part of the ESCP.

16. The SEP will involve an analysis of stakeholder engagement capacity and ensure resources for strengthening capacity is provided prior to key project preparation milestones. It will describe the measures that will be used to remove obstacles to participation, such as those based on gender, age, disability or other differences, and how the views of differently affected groups will be captured. Where applicable, the SEP will include differentiated measures to allow the effective participation and safety of those identified as disadvantaged or vulnerable. Dedicated approaches and an increased level of resources may be needed for communication with such differently affected groups so that they can obtain the information they need regarding the issues that will potentially affect them. When the stakeholder engagement depends substantially on community representatives⁵⁴, the Borrower will make and the Bank will review reasonable efforts to verify that such persons do, in fact, represent the views of project-affected communities and that they are facilitating the communication process by accurately conveying project information to the relevant communities, and conveying their comments and concerns to the Borrower or authorities, as appropriate.

17. In cases where the exact location of the project is not known or subprojects are at the time of initial due diligence by the Bank, the SEP will take the format of a framework approach, outlining general principles and a collaborative strategy to identify stakeholders and plan for an engagement process in accordance with this ESS that will be implemented once the location is known. For projects that are regional or national in scope, involving multiple locations, the SEP may be devised on a sample basis, covering major geographic, jurisdictional, and demographic variations, including groups who may be particularly vulnerable to impacts or to exclusion from project benefits. A framework SEP will require individual SEPs for subprojects which also affect stakeholders where appropriate. ~~18. For projects with high risk or substantial risk activities, the SEP will be fully appraised before the project approval.~~

~~19. A SEP will involve an analysis of stakeholder engagement capacity and ensure resources for strengthening capacity is provided prior to key project preparation milestones.~~

Meaningful Consultation

18. The need for and nature of any specific consultation will be determined on the basis of the stakeholder identification and analysis. Where project-affected communities may be subject to significant adverse potential risks and impacts from a project, the Borrower will undertake a process of meaningful consultation in a manner that provides stakeholders with opportunities to express their views on project risks, impacts, and impact avoidance or mitigation measures, and requires allows the Borrower to consider and respond to them to achieve compliance with/fulfillment of all Bank ESSs. Meaningful consultation will be carried out on an ongoing basis throughout the project cycle as the nature of issues, impacts and opportunities evolves. The Borrower will maintain and

publicly disclose adequately documented evidence of stakeholder engagement to the Bank's satisfaction.

19. The consultation process with project-affected communities ~~and groups~~ or stakeholders will be undertaken in a manner that is inclusive, ~~and~~ culturally appropriate and age appropriate and which represents the views and specific needs of various groups as identified in the SEP ~~or~~ and of which the Borrower is made aware during the implementation of the SEP. ~~Where appropriate, the~~ consultation will also include stakeholders, beyond the project-affected communities, whether

⁴⁵ For example, community and religious leaders, local government representatives, civil society representatives, politicians, teachers, and/or others representing one or more project-affected groups.

~~identified by the Borrower or self-identified by the stakeholder themselves or a representative groups or organization any groups or individuals who have been identified as other stakeholders.~~

Meaningful consultation is a two-way process that will:

- (a) Begin early, at the project concept stage, in the process of identification of environmental and social risks and impacts and continue on an ongoing basis as risks and impacts arise;
- (b) Be based on the prior disclosure and dissemination of relevant, transparent, objective, meaningful and easily accessible informationⁱⁱⁱ which is in a culturally appropriate local language(s) and format and is understandable to project-affected communities;
- (c) ~~Incorporate~~ Demonstrate how feedback is incorporated, ~~where appropriate~~
- (d) Focus inclusive engagement on project-affected communities, particularly for disadvantaged and vulnerable groups and persons with disabilities;
- (e) Be free of external manipulation, interference, coercion, or intimidation;
- (f) Enable meaningful participation in all stages of the project cycle, ~~where applicable~~, and
- (g) Be documented by the Borrower which will share said documentation in transparent and timely manner and seek responses as appropriate.

19a. For an SEP for high risk and substantial risk projects, meaningful consultation requires a minimum of two consultations during project preparation: 1) shortly after concept review when draft terms of reference for environmental and social assessment are available; 2) shortly after a full draft environmental and social assessment and management is available. In addition, the Borrower consults stakeholders at least twice during project implementation, prior to mid-term review and project completion.

20. The Borrower will tailor its consultation process to any specific language preferences of the project-affected communities, their decision-making process, and the needs of disadvantaged or vulnerable groups. The Borrower will inform those who have participated in the public consultation process in a timely and transparent manner of the final decision on the project, associated environmental and social mitigation measures and any costs and benefits of the project for the local communities, along with reasons and considerations on which the decision is based, how the decision was reached and the grievance or complaint mechanism or process available.

C. Engagement during Project Implementation and External Reporting

21. The Borrower will provide ongoing information and opportunities for engagement to the project-affected communities and groups during project implementation, appropriate to the nature of the project and its potentially environmental and social risks and impacts, and the level of public interest throughout the life of the project. Additional information may need to be disclosed at key stages in the project cycle, for example prior to start-up of operations, and on any specific issues that the disclosure and consultation process or grievance mechanism have identified as of concern to the project-affected communities. This ongoing engagement will build upon the channels of communication and engagement established during the stakeholder engagement carried out as part of the environmental and social assessment process and reviewed periodically.

21a. For projects that use Borrower frameworks, the Borrower will rely on community and/or third party monitoring for complementary performance feedback, and otherwise Borrowers will be expected to use appropriate stakeholder engagement practices to disclose information and receive feedback on the effectiveness of the project and the implementation of the mitigation measures in the ESCP as well as the project-affected communities' ongoing interests and concerns about the project. ~~Where appropriate, other stakeholders will also be included in the ongoing engagement.~~

22. If there are material changes to the project that result in additional risks and impacts of concern to the project-affected communities or groups, the Borrower will consult them on options and, taking their views into account, inform them how these risks and impacts are being addressed and to develop and disclose an updated ESCP in accordance with the SEP. The SEP will be re-evaluated and updated to account for additional risk.

D. Grievance Redress⁶

23. The Borrower will respond to concerns of project-affected communities or groups related to the project in a timely and transparent manner. For this purpose, the Borrower will provide a grievance mechanism, process or procedure to receive and facilitate resolution of stakeholders' concerns and grievances regarding the Borrower's environmental and social performance. The grievance mechanism will be scaled to the risks and potential adverse impacts of the project. Where possible, such grievance mechanism will utilize existing formal or informal grievance mechanisms suitable for project purposes, supplemented as needed with project-specific arrangements. Further requirements on grievance mechanisms are set out in Annex 1.

(a) The grievance mechanism, process or procedure is expected to address concerns promptly and effectively, in a transparent manner that is culturally appropriate and readily accessible to all segments of the project-affected communities, at no cost and without retribution. The mechanism, process or procedure will not prevent access to judicial or administrative remedies. The Borrower will inform the project-affected communities about the grievance process in the course of its community engagement activities, and will make publicly available a record documenting the responses to all grievances received; and

(b) Handling of grievances will be done in a culturally appropriate manner and be discreet, objective, sensitive and responsive to the needs and concerns of the project-affected communities. Where there is threat of reprisal, the mechanism will also allow for anonymous complaints to be raised and addressed.

E. Organizational Capacity and Commitment

24. The Borrower will define clear roles, responsibilities and authority, as well as designate and disclose to project-affected communities and groups contact information for, specific personnel to be responsible for the implementation and monitoring of stakeholder engagement activities and responses to all stakeholders in timely and transparent manner and compliance with this ESS.

⁶ The grievance mechanism to be provided under this ESS may be utilized as the grievance mechanism required under other ESSs (see ESSs 4, 5 and 7). However, the grievance mechanism for project workers required under ESS2 needs to be provided separately.

ESS10 – ANNEX 1. GRIEVANCE MECHANISM [to include further requirements, as appropriate]

1. The scope, scale and type of grievance redress mechanism, process or procedure required will be proportional to the nature and scale of the project's risks and potential adverse impacts.

2. The grievance redress mechanism, process or procedure will include the following elements:

- (a) An array of accessible and inclusive modes by which users can submit their complaints, including, but not limited to, submissions in person, by phone, text message, mail, email or web site;
- (b) A public-log where complaints are registered in writing, maintained as a database;
- (c) Accessible and publicly advertised service standards outlining the length of time users can expect to wait for acknowledgement, response and resolution of their complaints;
- (d) Transparency about the grievance procedure, including any appeals process governing structure and decision makers;
- (e) An option for moving to a mediation process that is held to the same standards of accessibility, inclusiveness and transparency, applicable to the grievance process described here, in cases where complainants are not satisfied with the proposed resolution; and as appropriate, ~~and~~
- (f) An appeals process (including the national judiciary) to which unsatisfied complainants may be referred when an agreed resolution by other means has not been reached.

Glossary

- *Project area of influence*: The area likely to be affected by the project, including all its ancillary aspects, such as power transmission corridors, pipelines, canals, tunnels, relocation and access roads, borrow and disposal areas, and construction camps, as well as unplanned developments induced by the project (e.g., spontaneous settlement, logging, or shifting agriculture along access roads). The area of influence may include, for example, (a) the watershed within which the project is located; (b) any affected estuary and coastal zone; (c) off-site areas required for resettlement or compensatory tracts; (d) the airshed (e.g., where airborne pollution such as smoke or dust may enter or leave the area of influence); (e) migratory routes of humans, wildlife, or fish, particularly where they relate to public health, economic activities, or environmental conservation; and (f) areas used for livelihood activities (hunting, fishing, grazing, gathering, agriculture, etc.) or religious or ceremonial purposes of a customary nature.

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- **Assimilative capacity** refers to the capacity of the environment for absorbing an incremental load of pollutants while remaining below a threshold of unacceptable risk to human health and the environment.
 - **Biodiversity** is the variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are a part; this includes diversity within species, between species, and of ecosystems.
 - **Chance find (procedure)**. A chance find is archaeological material encountered unexpectedly during project construction or operation. A chance find procedure is a project-specific procedure that outlines the actions to be taken and the procedures to be followed if previously unknown cultural heritage is encountered. Such procedure generally includes a requirement to notify relevant competent bodies of found objects or sites; to train project personnel on chance find procedures; to fence off the area of finds to avoid any further disturbance possibility; to not disturb any chance find further until an assessment by competent professionals is made and actions consistent with relevant requirements are identified.
 - **Collective attachment** means that for generations there has been a physical presence in and economic ties to land and territories traditionally owned, or customarily used or occupied, by the group concerned, including areas that hold special significance for it, such as sacred sites.
 - **Core functions** constitute those production and/or service processes essential for a specific project activity without which the project activity cannot function.
 - **Critical habitat** is defined as areas with high biodiversity value, including: (a) the presence of highly threatened habitats; (b) Endangered or Critically Endangered species as listed on the International Union for the Conservation of Nature (IUCN) Red List of Threatened Species; (c) geographically restricted species; (d) migratory or congregatory species; or (e) biodiversity features that are vital to maintaining the viability of biodiversity features described above in (a) to (d). The determination of critical habitat based on listings other than the IUCN Red List of Threatened Species is as follows: (i) if the species is listed nationally/ regionally as critically endangered or endangered in countries that have adhered to IUCN guidance, the critical habitat determination will be made on a project by project basis in consultation with competent professionals; and (ii) in instances where nationally or regionally listed species' categorizations do not correspond well to those of the IUCN (e.g., some countries more generally list species as "protected" or "restricted"), an assessment will be conducted to determine the rationale and purpose of the listing. In this case, the critical habitat determination will be based on such an assessment.
 - **Cultural heritage** is defined as resources which people identify, independently of ownership, as a reflection and expression of their constantly evolving values, beliefs, knowledge and traditions.
 - **Disadvantaged or vulnerable** refers to those who, by virtue of, for example, their age, gender, ethnicity, religion, physical or mental disability, social and civic status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project's benefits. Such a person/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/or assistance to do so. Considerations relating to age include the elderly and minors, including in circumstances where they may be separated from their family, the community or other individuals upon which they depend.

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- **Financial feasibility** is based on relevant financial considerations, including relative magnitude of the incremental cost of adopting such measures and actions compared to the project's investment, operating, and maintenance costs, and on whether this incremental cost could make the project nonviable for the Borrower.
 - **Forced eviction** is defined as the permanent or temporary removal against the will of individuals, families, and/or communities from the homes and/or land which they occupy without the provision of, and access to, appropriate forms of legal and other protection, including all applicable procedures and principles in ESS5. The exercise of eminent domain, compulsory acquisition or similar powers by a Borrower will not be considered to be forced eviction providing it complies with the requirements of national law and the provisions of ESS5, and is conducted in a manner consistent with basic principles of due process (including provision of adequate advance notice, meaningful opportunities to lodge grievances and appeals, and avoidance of the use of unnecessary, disproportionate or excessive force).
 - **Good International Industrial Practice (GIIP)** is defined as the exercise of professional skill, diligence, prudence, and foresight that would reasonably be expected from skilled and experienced professionals engaged in the same type of undertaking under the same or similar circumstances globally or regionally. The outcome of such exercise should be that the project employs the most appropriate technologies in the project-specific circumstances.
 - **Habitat** is defined as a terrestrial, freshwater, or marine geographical unit or airway that supports assemblages of living organisms and their interactions with the non-living environment. Habitats vary in their sensitivity to impacts and in the various values society attributes to them.
 - **Historical pollution** is defined as pollution from past activities, such as land or groundwater contamination, for which no party has assumed or been assigned responsibility to address and carry out requisite the required remediation.
 - **Inclusion** means empowering all stakeholders to participate in, and benefit from, the development process. Inclusion encompasses policies to promote equality of opportunity by improving the access of poor and disadvantaged people to such facilities and services as education, health, social protection, infrastructure, affordable energy, employment, financial services, and productive assets; and, it embraces action to remove social and environmental barriers against those who are often excluded, such as women, children, youth, persons with disabilities and minorities or individuals and groups defined by ethnicity, social and civic status, sexual orientation, gender identity or expression, or indigenous status; and to ensure that the voice of all stakeholders can be heard and responded to through effective means of disclosure, consultation, and communication.
 - **Integrated Pest Management (IPM)** refers to a mix of farmer-driven, ecologically-based pest control practices that seeks to reduce reliance on synthetic chemical pesticides. It involves (a) managing pests (keeping them below economically damaging levels) rather than seeking to eradicate them; (b) relying, to the extent possible, on nonchemical measures to keep pest populations low; and (c) selecting and applying pesticides, when they have to be used, in a way that minimizes adverse effects on beneficial organisms, humans, and the environment.
 - **Integrated Vector Management (IVM)** "is a rational decision-making process for the optimal use of resources for vector control. The approach seeks to improve the efficacy, cost-effectiveness, ecological soundness and sustainability of disease-vector control." World Health Organization

Position Statement on IVM:

http://whqlibdoc.who.int/hq/2008/WHO_HTM_NTD_VEM_2008.2_eng.pdf

- **Involuntary Resettlement.** Project-related land acquisition or restrictions on land use may cause physical displacement (relocation, loss of residential land or loss of shelter), economic displacement (loss of land, assets or access to assets, including those that lead to loss of income sources or other means of livelihood), or both. The term “*involuntary resettlement*” refers to these impacts. Resettlement is considered involuntary when affected persons or communities do not have the right to refuse land acquisition or restrictions on land use that result in displacement.
- **Land acquisition** refers to all methods of obtaining land for project purposes, which may include outright purchase, expropriation of property and acquisition of access rights, such as easements or rights of way. Land acquisition may also include: (a) acquisition of unoccupied or unutilized land whether or not the landholder relies upon such land for income or livelihood purposes; and (b) repossession of public land that is used or occupied by individuals or households. “Land” includes anything growing on or permanently affixed to land, such as crops, buildings and other improvements.
- **Livelihood** refers to the full range of means that individuals, families, and communities utilize to make a living, such as wage-based income, agriculture, fishing, foraging, other natural resource-based livelihoods, petty trade, and bartering.
- **Major hazard installations** are facilities which produce, process, handle, use, dispose of or store, either permanently or temporarily, one or more hazardous substances or categories of substances in quantities which exceed a specified threshold quantity.
- **Pollution.** Pollution is used to refer to both hazardous and non hazardous chemical pollutants in the solid, liquid, or gaseous phases, and includes other components such as pests, pathogens, thermal discharge to water, GHG emissions, nuisance odors, noise, vibration, radiation, electromagnetic energy, and the creation of potential visual impacts including light.
- **Pollution management** includes measures designed to reduce GHG emissions given that measures which tend to encourage reduction in energy and raw material use, as well as emissions of local pollutants, also generally result in encouraging a reduction of greenhouse gas emissions.
- **Primary suppliers** are those suppliers who provide goods or materials essential for the core business process of the project.
- **Priority biodiversity features** are defined as a subset of biodiversity that are particularly irreplaceable or vulnerable, but at a lower priority level than critical habitat. As such, they comprise significant concentrations of at least one of the following features: (a) threatened habitats; (b) vulnerable species; (c) significant biodiversity features identified by a broad set of stakeholders or governments (such as Key Biodiversity Areas or Important Bird Areas); and (d) ecological structures and functions needed to maintain the viability of these priority biodiversity features.
- **Project** refers to the set of activities for which Bank support through Investment Project Financing is sought by the Borrower, as defined in the legal agreement and as approved by the Bank. These are projects to which OP/BP 10.00 Investment Project Financing, applies. The World Bank Environmental and Social Policy does not cover operations supported by Development Policy lending (for which the environmental provisions are set out in OP/BP 8.60, *Development Policy*

Lending), or those supported by Program-for-Results Financing (for which environmental provisions are set out in OP/BP 9.00, *Program-for-Results Financing*).

- **Project Worker** is used to refer to people employed or engaged directly by the Borrower, the project proponent and/or project implementing agencies to work specifically in relation to the project. This includes full-time, part-time, temporary, seasonal and migrant workers. Migrant workers are workers who have migrated from one county to another or from one part of the county to another.
- **Replacement cost** is defined as a method of valuation yielding compensation sufficient to replace assets, plus necessary transaction costs associated with asset replacement. Where functioning markets exist, replacement cost is the market value as established through independent and competent real estate valuation, plus transaction costs. Where functioning markets do not exist, replacement cost may be determined through alternative means, such as calculation of output value for land or productive assets, or the undepreciated value of replacement material and labor for construction of structures or other fixed assets, plus transaction costs. In all instances where physical displacement results in loss of shelter, replacement cost must at least be sufficient to enable purchase or construction of housing that meets acceptable minimum community standards of quality and safety. The valuation method for determining replacement cost should be documented and included in relevant resettlement planning documents. Transaction costs include administrative charges, registration or title fees, reasonable moving expenses, and any similar costs imposed on affected persons. To ensure compensation at replacement cost, planned compensation rates may require updating in project areas where inflation is high or the period of time between calculation of compensation rates and delivery of compensation is extensive.
- **Restrictions on land use** refers to changes in or prohibitions on agricultural, residential, commercial or other land uses that are directly introduced and put into effect as part of the implementation of the project. These may include restrictions on access to legally designated parks and protected areas, restrictions on access to other common property resources, restrictions on land use within utility easements or safety zones, etc.
- **Security of tenure** means that resettled individuals or communities are resettled to a site that they can legally occupy, where they are protected from the risk of eviction and where the tenure rights provided to them are no less than the rights they had to the land or assets from which they have been displaced.
- **Technical feasibility** is based on whether the proposed measures and actions can be implemented with commercially available skills, equipment, and materials, taking into consideration prevailing local factors such as climate, geography, demography, infrastructure, security, governance, capacity, and operational reliability.
- **Universal access** means free access for people of all ages and abilities in different situations and under various circumstances.