



World Bank Safeguards Review Phase Two – Oxfam Submission

1. Background

The World Bank Environment and Social Safeguards (safeguards/ESSs) are the cornerstone of the Bank's ability to meet its development mandate and achieve its twin goals of ending extreme poverty and promoting shared prosperity. As President Kim has stated, the safeguards represent the Bank's comparative advantage, especially when compared to a competitive environment with other multilateral institutions, the Bank has a role to raise the standards of international lending through its safeguards. Furthermore, as the IEG¹ has shown in their 2010 report, the safeguards represent an important opportunity to save money when implemented correctly. They lead to greater development outcomes for the Bank's borrowers, for project-affected people and ultimately more profitable and successful ventures.

During the first phase of the review of the safeguards, Oxfam submitted proposals outlining our position, specifically around the emerging areas of land, climate change and the use of country systems. The resulting first draft of the proposed Environmental and Social Framework (ESF), while having many positive elements that we welcome, has several weaknesses and needs further refinement, clarity and strengthening of important elements of the proposed language, as well as details of supporting guidelines. Oxfam has actively participated in multiple consultations around the world² and this submission can be viewed as a joint, collective submission of the Oxfam Confederation, made of 17 Affiliates working in 94 countries.

2. Overarching architecture

There are several overarching and cross cutting elements of the ESF architecture that need urgent attention in order to clarify the force and direction of the entire ESF draft. Without these specific points the ESF suffers from too much ambiguity and unguided discretion, which could lead to a significant weakening of its implementation. These range from thematic framing such as the need to enshrine human rights throughout the ESF, to specific clarifications around the roles and responsibility of the borrowers and the Bank. These issues must be addressed if the safeguards are to live up to the Bank's mandate.

2.1. Greater prioritization of Human Rights

Upholding human rights is central to development, and in much the same way that the IEG has shown the profitability of safeguards outweighing their costs, stricter human rights due diligence will only be in

¹ http://siteresources.worldbank.org/EXTSAFANDSUS/Resources/Safeguards_eval.pdf

² Oxfam participated in the following country consultations; USA, Vietnam, Tanzania, Tajikistan, Belgium, Germany, Senegal, South Africa, Paraguay, India, France, China, Japan, Indonesia, Brazil, UK and Australia.



the Bank’s best interest of ensuring it meets its twin goals. While we welcome the references made to human rights in the vision statement, the ESF fails to properly respect and integrate human rights, which should be the governing principle of the entire framework. Most of the Bank’s members subscribe to international human rights laws and covenants within the UN framework, and it should hence not be an additional onerous requirement for borrowers to adopt a human rights based approach within the safeguards. There are numerous instances, where the language of human rights should be more strongly emphasized within the ESF, especially on the need to conduct human rights impacts assessments as part of the Environmental and Social Assessment, without relying solely on Social Assessments as key development outcomes will be missed such as ensuring basic rights like the Right to Food, the Right to Adequate Housing etc.

Current text	Proposed line edits
<p>Page 21,</p> <p>2. Borrowers will conduct environmental and social assessment of projects proposed for Bank financing to help ensure that projects are environmentally and socially sound and sustainable. The environmental and social assessment will be commensurate with the risks and impacts of the project. It will inform the design of the project, and be used to identify mitigation measures and actions and to improve decision making.</p> <p>3. Borrowers will manage environmental and social risks and impacts throughout the life of the project in a systematic manner, appropriate to the nature and scale of the project and the potential risks and impacts. Borrowers will apply ESS10, which outlines the requirements regarding stakeholder engagement, to all projects.</p> <p>6. ESS1 applies to all projects supported by the Bank through Investment Project Financing. Borrowers will structure projects so that they meet the requirements of the ESSs in a manner and timeframe acceptable to the Bank, as set out</p>	<p>Page 21,</p> <p>2. Borrowers will conduct environmental and social assessment and Human Rights Impact Assessments of projects proposed for Bank financing to help ensure that projects are environmentally and socially sound and sustainable. The environmental and social assessment will be commensurate with the risks and impacts of the project. It will inform the design of the project, and be used to identify mitigation measures and actions and to improve decision making.</p> <p>3. Borrowers will manage environmental and social risks and impacts throughout the life of the project in a systematic manner, in accordance with the United Nations Guiding Principles, appropriate to the nature and scale of the project and the potential risks and impacts. Borrowers will apply ESS10, which outlines the requirements regarding stakeholder engagement, to all projects.</p> <p>6. ESS1 applies to all projects supported by the Bank through Investment Project Financing. Borrowers will structure projects so that they meet the requirements of the ESSs in a manner and timeframe acceptable to the Bank, ensuring that adequate time is allowed for detailed Human</p>



<p>in the ESCP.</p> <p>26. The environmental and social assessment, informed by the scoping of the issues, will take into account all relevant environmental and social risks and impacts of the project, including:</p> <p>(b) Social risks and impacts, including: (i) threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence; (ii) risks that project impacts fall disproportionately on disadvantaged or vulnerable groups; (iii) any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of disadvantaged or vulnerable groups; (iv) negative economic and social impacts relating to the involuntary taking of land or restriction on access to natural resources; (v) risks or impacts associated with land and natural resource tenure and use, including (as relevant) potential project impacts on local land use patterns and tenurial arrangements, land access and availability, food security and land values, and any corresponding risks related to conflict or contestation over land and natural resources; (vi) impacts on the health, safety and well-being of workers and project-affected communities; and (vii) risks to cultural heritage.</p>	<p>Rights Impact Assessments, as set out in the ESCP.</p> <p>26. The environmental and social, and Human Rights Impacts assessment, informed by the scoping of the issues, will take into account all relevant environmental and social, and Human Rights risks and impacts of the project, including:</p> <p>(b) Social and Human Rights risks and impacts, including: (i) threats to human security through the escalation of personal, communal or inter-state conflict, crime or violence; (ii) risks that project impacts fall disproportionately on disadvantaged or vulnerable groups; (iii) any prejudice or discrimination toward individuals or groups in providing access to development resources and project benefits, particularly in the case of disadvantaged or vulnerable groups; (iv) negative economic and social impacts relating to the involuntary taking of land or restriction on access to natural resources; (v) risks or impacts associated with land and natural resource tenure and use, including (as relevant) potential project impacts on local land use patterns and tenurial arrangements, land access and availability, food security and land values, and any corresponding risks related to conflict or contestation over land and natural resources; (vi) impacts on the health, safety and well-being of workers and project-affected communities; and (vii) risks to cultural heritage.</p>
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2.2 Gendered impacts neglected

The ESF gives mention in some places to participation of women in decision making and the avoidance of discrimination against people based on gender, which are welcome additions. However there needs to be strengthened commitments that will ensure more gender equitable outcomes. For example, there needs to be a deeper reference to gender dynamics with special interest in women rights within the spirit of the Maputo Protocol, CEDAW and other instruments. Provision for gender dynamics in all impact and risk assessments should be ensured to enable thorough analysis of women interest in various aspects of their social and environmental life including livelihoods options and roles, gender and



power relations. There hence needs to be stand-alone commitments to women's participation and benefit, as well as integration of women and gender issues throughout the EFS.

Specific commitments are needed to ensuring women's meaningful participation in decision making of projects, specific analysis in assessments of women's rights and interests, mechanisms to ensure women, and the most marginalized women can have a chance to be properly informed of projects and to discuss them. The gathering of sex-disaggregated data in all projects from corporate investments to land titling initiatives is essential to encourage attention to gender issues and to measure progress on achieving gender equity. In livelihood assessment, the gender perspectives including productive role of women in a given community, needs to be assessed including access to markets, land for cultivation etc. Recognition for such informal women activities including running of small businesses by the road side used to raise their living and those of their children needs to be acknowledged and taken into account in mitigation response and action planning. There is also need to provide for an agreed monitoring process with customized gender sensitive indicators. This would allow tracking of progress (mid and end term) and the raising of concerns in situations where agreed measurements are breached instead of waiting for the project impact evaluation upon completion of the project.

Additionally to the specific comments on Land in Section 3.1 of this submission, there needs to be clear commitments to gender equitable outcomes in terms of land use and rights where projects impact on land. These are areas where women face pervasive discrimination. Any assessments must also take into account gender discriminatory inheritance and other practices to ensure women's rights are recognized. Land related projects or investments impacting on land use and rights, need to specifically look for women's use and other rights to land, and recognize these as well as factoring in discriminatory practices. Similarly, whenever compensation is paid, particular attention needs to be given to ensuring that the full value of women's loss of rights and/or access to land are considered and that women do benefit from compensation that is provided. The development of a resettlement action plan in situations of restriction or eviction must provide for gender specific outcomes and indicators sensitive to women's rights. The effectiveness of the response strategy must be examined from a gender lens to ensure women's rights are protected and provided for at all times.

Gender equity is a valuable development outcome in itself that also contributes to wider development benefits. Specific targeting of women, community awareness in raising women's rights and the value of their full participation, and the support for women to be part of decision making, all enable more gender equitable outcomes and hence better development interventions.

Oxfam signed onto and fully endorses the joint submission made by 67 signatories³ on specific changes needed to ensure the new draft offers enhanced protections for women and gender considerations.

³ Gender and SOGIE Model Policy - https://consultations.worldbank.org/Data/hub/files/gender_and_sogie_safeguard.pdf



2.3 Failure to quantify project benefits

Despite the IEG making the case for greater quantification of the benefits of projects in their 2010 report, nowhere in the ESF is there any reference to the need to plan for, design or implement development outcomes as key performance indicator throughout the lifecycle of the project. This, as is explained below in Section 3.3.1 of this submission, relates to attempting to quantify the full environmental and social negative externalities of the project to better present its financial viability and mitigation needs. But it is also an opportunity missed not to specify areas to quantify the development benefits, and positive externalities, in order to better showcase the development merits of an investment. Such merits could include for example, less traffic congestion from low carbon initiatives, health benefits from improved water access, improved food security through agro-ecological land-use practices, and employment and livelihoods benefits from prioritizing the welfare of women. Such development benefits should be accounted for in addition to project costs. It is also necessary to highlight and learn from best practices, and where possible attempt to monetize their value to show that safeguards do indeed lead to more positive and profitable projects. Such references to the measurement and quantification of benefits should be made throughout the ESF, but at the very least should be made explicit in the objectives of the Environmental and Social Policy. Complimentary Annexes and Guidance notes articulating this quantification of the project benefits should be developed in consultation with Civil Society and other relevant independent experts.

Current text	Proposed line edits
<p>Page 8.</p> <p>3. To carry out this Policy, the Bank will:</p> <p>(a) Undertake its own due diligence of proposed projects, commensurate with the nature and potential significance of the environmental and social risks and impacts related to the project;</p> <p>(c) Assist the Borrower in identifying appropriate methods and tools to assess and manage the potential environmental and social risks and impacts associated with the project;</p>	<p>Page 8.</p> <p>3. To carry out this Policy, the Bank will:</p> <p>(a) Undertake its own due diligence of proposed projects, commensurate with the nature and potential significance of the environmental and social benefits, risks and impacts related to the project;</p> <p>(c) Assist the Borrower in identifying appropriate methods and tools to assess, and manage, and where possible quantify, the potential environmental and social benefits, risks and impacts associated with the project;</p>

2.4 Ignoring upstream and downstream impacts



Defining the correct area of influence of the project is critical to determine the full extent of both its environmental and social impacts, as well as the potential reach of the development benefits. Too often projects fail to properly take into account upstream and downstream consequences due to incorrectly identified project boundaries and lines of demarcation between different levels of responsibilities. This is as much a risk for high risk projects where for example cumulative impact assessments are essential to properly account for the impacts of, for example, dams on downstream ecosystems, or in understanding the indirect GHG emissions associated with a facility. Proper accounting of such impacts starts with correctly identifying all associated and related facilities, regardless of the extent of control exercised by the borrower. Oxfam has seen this vividly highlighted in some resettlement cases⁴, where by the surrounding land conflict issues were not captured due to such a narrow definition of the project's boundaries, which could have easily been avoided by a simple assessment of neighboring facilities. Such requirements must be mandatory in the environmental and social assessment, and will result in significant savings in the long-term.

Current text	Proposed line edits
Page 11. 11. The Bank will require all Associated Facilities to meet the requirements of the ESSs, to the extent that the Borrower has control and influence over such Associated Facilities.	Page 11. 11. The Bank will require all Associated Facilities to meet the requirements of the ESSs, to the extent that the Borrower has control and influence over such Associated Facilities.

2.5 Clarity on use of Country Systems and strengthening of borrower capacity

Effective development that sees borrower governments lead their countries responsibly towards peace, inclusive economic growth and stability, relies on responsible state ownership that is accountable, transparent and empowering of all citizens. Country systems, or borrower systems, through the use and development of a government's own domestic environmental and social safeguard mechanisms, should be a vehicle towards this end.

Oxfam supports the use of country systems as a cornerstone of aid effectiveness, promoting best practice in borrower capacity to develop their own systems and regulations, to maximize the development outcomes. Our submission to the first phase of the safeguards review noted that country systems and international safeguards are not mutually exclusive principles, but rather can be mutually reinforcing. The ideal scenario would be for all country systems to be raised to the highest possible standard in design and implementation, exceeding that of international safeguards and best practice.

⁴ <http://www.oxfam.org/en/pressroom/pressreleases/2014-01-10/world-bank-funding-company-implicated-human-rights-abuses>



Safeguards have a role to play in informing and defining country systems towards this goal, and should be part of the support role of the Bank in helping develop country capacity towards this end.

Additionally the Bank must include in part of its loan agreements specific provisions for resources and support to help develop country systems. This should also be part of the supervision and monitoring requirements that such support must also be assessed and provided on a continual basis as needed to ensure both proper design and implementation of such systems. Critically this assessment must also not be done at the sole discretion of the borrower and the Bank, but must include a broader range of stakeholders specifically looking to include civil society and affected communities. The strength of a country's level of democratic institutions and level of citizen engagement is both a key component of assessing their suitability of the use of country systems, and at the same time assuring the system's continual improvement.

While the EFS does have some positive provisions of assessing country systems, the specific language still has too much discretionary ambiguity and a lack of specificity in defining key principles and prescriptive standards, duties and responsibilities of the borrower, with similarly few details on the oversight and accountability for how a borrower implements specific provisions. The ESF can be strengthened by providing great clarity towards this end on how country systems will be strengthened and implemented.

2.5.1 Strengthen procedures of determining equivalence and acceptability

Similarly, establishing procedures and guidelines for determining the equivalence and acceptability of a borrower's systems was one of the main challenges of the pilot program on Country Systems. It is essential that this gap analysis between a borrower's systems with the requirements, not just the objectives, of the Bank. Additionally, in reviewing the borrowers systems, civil society engagement must be a mandatory requirement of the group of stakeholders that are consulted. Additionally, greater clarity should be provided on defining the exact requirements of ensuring borrower systems are 'materially consistent.'

Current text	Proposed line edits
<p>Page 13.</p> <p>23. The Bank supports the use of the Borrower's existing environmental and social framework in the assessment, development and implementation of projects supported through Investment Project Financing, providing this is likely to be able to address the risks and impacts of the project, and enable the project to achieve objectives materially consistent with the ESSs. The Bank will review the Borrower's existing</p>	<p>Page 13.</p> <p>23. The Bank supports the use of the Borrower's existing environmental and social framework in the assessment, development and implementation of projects supported through Investment Project Financing, providing this is likely to be able to address the risks and impacts of the project, and enable the project to achieve objectives and requirements materially consistent with the ESSs. The Bank will review the Borrower's</p>



<p>environmental and social framework (the ES Framework) relevant to the development and implementation of the project proposed for Bank support.</p> <p>Footnote 19.</p> <p>In conducting the review, the Bank may rely on and incorporate the findings of recent studies and assessments conducted by the Bank, the Borrower or reputable third party experts, to the extent these are relevant to the proposed project, and the potential environmental and social risks and impacts</p> <p>25. Where the Bank has agreed to use all, or part, of the Borrower's ES Framework for the assessment, development and implementation of the project, the Bank will work with the Borrower to identify and agree on measures and actions to address gaps in the ES Framework, to the extent that such measures and actions are necessary to ensure objectives materially consistent with the ESSs. The agreed measures and actions, together with the timeframes for completion of such measures and actions, will form part of the ESCP.</p>	<p>existing environmental and social framework (the ES Framework) relevant to the development and implementation of the project proposed for Bank support in order to ensure it provides the same or better safeguards than the ESSs of the Bank before it can be used as an alternative to the ESSs.</p> <p>Footnote 19.</p> <p>In conducting the review, the Bank maywill rely on and incorporate the findings of recent studies and assessments conducted by the Bank, the Borrower or reputable third party experts, to the extent these are relevant to the proposed project, and the potential environmental and social risks and impacts. The Bank will also meaningfully consult with relevant civil society groups in conducting the review and in particular any parties that will be directly affected by the project in question.</p> <p>25. Where the Bank has agreed to use all, or part, of the Borrower's ES Framework for the assessment, development and implementation of the project, the Bank will work with the Borrower, independent third party experts, civil society organizations, and any specific parties that will be affected by the project, to identify and agree on measures and actions that the Bank will support to address gaps in the ES Framework, to the extent that such measures and actions are necessary to ensure the objectives and requirements materially consistent with the ESSs. The agreed measures and actions, together with the timeframes for completion of such measures and actions, will form part of the ESCP.</p>
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2.5.2 Country systems risk classifications of sub-projects

Mis-categorization of risk can often lead to poor project outcomes, as it can allow for a lesser level of stringency, due diligence, monitoring and supervision to be applied. This can especially be the case in some governments that lack the institutional capacity and/or oversight to ensure that their own systems can either correctly categorize sub-projects, or apply the right level of stringency of their own standards



to meet the requirements of the ESF. To protect against this, all High-risk AND substantial risk projects must be consistent with the ESF requirements. Additionally, the assessment cannot be at the sole discretion of the borrower, particularly when country capacity to conduct such appraisals may be lacking and in need of support. The Bank must be part of assisting the borrower in making that initial risk categorization, and that determination being open for consultation and review to relevant external stakeholders including civil society.

Current text	Proposed line edits
<p>Page 28.</p> <p>29. If the project involves the preparation of subprojects, the Borrower will carry out appropriate environmental and social assessment of each subproject in accordance with national law. Where subprojects are classified as <i>High Risk</i>, the environmental and social assessment will be consistent with ESSs 1 to 8 and ESS10. Borrowers will ensure that subprojects are structured to meet national regulatory requirements relating to environmental and social risks and impacts, and where subprojects are classified as <i>High Risk</i>, they are also structured to meet ESSs 1 to 8 and ESS10. Where deemed necessary by the Bank, the Borrower will prepare an environmental and social management framework, to assist the Borrower in developing and implementing the subprojects.</p>	<p>Page 28.</p> <p>29. If the project involves the preparation of subprojects, the Borrower, with the Bank providing the requisite assistance and oversight, and in line with the provisions of the Environmental and Social Policy on ‘Use and Strengthening of Borrower’s ES Framework’, will carry out appropriate environmental and social assessment of each subproject in accordance with national law. Where subprojects are classified as <i>High Risk</i>, or Substantial Risk, the environmental and social assessment will be consistent with ESSs 1 to 8 and ESS10. Borrowers will ensure that subprojects are structured to meet national regulatory requirements relating to environmental and social risks and impacts, and where subprojects are classified as <i>High Risk</i>, or Substantial Risk, they are also structured to meet ESSs 1 to 8 and ESS10. Where deemed necessary by the Bank, the Borrower will prepare an environmental and social management framework, to assist the Borrower in developing and implementing the subprojects.</p>

2.5.3 Weak supervision and monitoring requirements

An intrinsic component of ensuring the strength of both country systems as well as the Bank’s own lending is ensuring that there are strong and accountable supervision and monitoring requirements. This is especially relevant in the Bank having confidence that a borrower’s systems that are used have the necessary capacity, on a continual basis. The IEG report also made clear that the Bank had deficiencies on its supervision and monitoring, with a need to better track development outcomes throughout the lifecycle of the project.



As before, the ESF makes a weak reference to project completion being assessed with respect to ‘measures and actions’ as opposed to firm outcomes and results. This risks projects being both designed and implemented unsatisfactorily, at best missing some key development benefits, and at worst failing to ensure the necessary protections for vulnerable communities impacted by the project. Similarly, the Bank must make mandatory, not just ‘where appropriate,’ the external verification of project monitoring information with external third parties and civil society. This is essential in ensuring that the borrowers systems have adequate oversight and independence, while at the same time improves country capacity by engaging with a broader range of stakeholders.

Current text	Proposed line edits
<p>Page 17.</p> <p>46. The Bank will monitor the environmental and social performance of the project in accordance with the requirements of the legal agreement, including the ESCP. The extent of Bank monitoring with respect to environmental and social performance will be commensurate with the potential environmental and social risks and impacts associated with the project. The Bank will monitor projects on an ongoing basis as required by OP 10.00. A project will not be considered complete until the measures and actions set out in the legal agreement (including the ESCP) have been implemented. To the extent that the Bank evaluation at the time of project completion determines that such measures and actions have not been fully implemented or the objectives required under the relevant ESS have not been achieved, the Bank will determine whether further measures and actions, including continuing Bank monitoring and implementation support, will be required.</p> <p>48. Where appropriate, the Bank will require the Borrower to engage stakeholders and third parties, such as independent experts, local communities or nongovernmental organizations (NGOs), to complement or verify project monitoring information. Where other agencies or third parties are responsible for managing specific risks and impacts and implementing mitigation measures, the Bank will require the Borrower to</p>	<p>Page 17.</p> <p>46. The Bank will monitor the environmental and social performance of the project in accordance with the requirements of the legal agreement, including the ESCP. The extent of Bank monitoring with respect to environmental and social performance will be commensurate with the potential environmental and social risks and impacts associated with the project. The Bank will monitor projects on an ongoing basis as required by OP 10.00. A project will not be considered complete until the measures, and actions and outcomes set out in the legal agreement (including the ESCP) have been implemented. To the extent that the Bank evaluation at the time of project completion determines that such measures and actions have not been fully implemented or the objectives required under the relevant ESS have not been achieved, the Bank will determine whether further measures and actions, including continuing Bank monitoring and implementation support, will be required.</p> <p>48. Where appropriate, tThe Bank will require the Borrower to engage stakeholders and third parties, such as independent experts, local communities or nongovernmental organizations (NGOs), to complement or verify project monitoring information. Where other agencies or third parties are responsible for managing specific risks and impacts and implementing mitigation measures, the Bank will require the Borrower to</p>



collaborate with such agencies and third parties to establish and monitor such mitigation measures.	collaborate with such agencies and third parties to establish and monitor such mitigation measures.
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2.6 Insufficient Financial Intermediaries due diligence

We recognize the importance of the role that Financial Intermediaries (FIs) can play in helping capitalize markets and reach small-to-medium scale enterprises. As well, that there may be a need to differentiate the level of environmental and social due diligence that is applied, in manner that is commensurate with the level of risk. However, we have seen at the IFC that such a systems approach that places such a significant emphasis on risk categorization, which if done incorrectly, can lead to a weaker set of safeguards applied, and serious breakdowns in environmental and social due diligence⁵. Additionally the aforementioned over-reliance of borrower’s own systems without adequate assurances of equivalence and acceptability, as well as stringent monitoring and supervision requirements, presents a risk of projects not having the due application of the safeguards needed. Hence, in much the same way that Substantial Risk should be included in the recommendations of the use of country systems classification of sub-projects, so to should such sub-projects of FIs require the strict application of the ESF requirements, and not just high-risk projects.

Current text	Proposed line edits
Page 89. 6. FIs will screen, appraise and monitor all subprojects, in accordance with the environmental and social risk profile of the individual subprojects. All subprojects will be structured to meet the relevant environmental and social requirements of national law. 7. Where the FI proposes to provide financing to subprojects that will be classified as High Risk, such subprojects will also be structured to meet ESSs1 to 8 and ESS10. 14. (a) Classify the environmental and social risk	Page 89. 6. FIs will screen, appraise and monitor all subprojects, —in accordance with the environmental and social risk profile of the individual subprojects. All subprojects will be structured to meet the relevant environmental and social requirements of national law, in line with the criteria set forth in Section B of the Environmental and Social Policy, ‘Use and Strengthening of Borrower’s ES Framework.’ 7. Where the FI proposes to provide financing to subprojects that will be classified as High Risk or Substantial Risk , such subprojects will also be structured to meet ESSs1 to 8 and ESS10. 14. (a) Classify the environmental and social risk of proposed subprojects;

⁵ <http://www.oxfam.org/en/research/risky-business>



<p>of proposed subprojects;</p> <p>(b) Require sub-borrowers to undertake environmental and social assessment of proposed subprojects commensurate with national law and the identified environmental and social risks and impacts; where a subproject is classified as <i>High Risk</i>, the environmental and social assessment will be consistent with ESSs1 to 8 and ESS10;</p> <p>17. The FI will put in place procedures for external communications on environmental and social matters commensurate with the risk and impacts of the subprojects, and the risk profile of the FI's portfolio. The FI will respond to public enquiries and concerns in a timely manner. The FI will list on its website the link to any environmental and social assessment reports for High Risk subprojects which it finances.</p>	<p>(b) Require sub-borrowers to undertake environmental and social assessment of proposed subprojects commensurate with national law and the identified environmental and social risks and impacts; where a subproject is classified as High Risk or Substantial Risk, the environmental and social assessment will be consistent with ESSs1 to 8 and ESS10;</p> <p>17. The FI will put in place procedures for external communications on environmental and social matters commensurate with the risk and impacts of the subprojects, and the risk profile of the FI's portfolio. The FI will respond to public enquiries and concerns in a timely manner. The FI will list on its website the link to any environmental and social assessment reports for High Risk or Substantial Risk subprojects which it finances.</p>
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3 Priority thematic areas

3.2 Land Tenure and Resettlement

In a context of rising pressure on the land and resources on which poor people depend for their livelihoods, Oxfam believes the World Bank needs to act to ensure both that its own investments do not result in land-grabbing and that it sets the bar high for other investors and governments investing in land. A crucial step toward this would be to 'land-grab proof' its current Safeguards – by addressing key gaps in the existing Safeguards relating to community consent, environmental and social impact assessment and transparency.

Oxfam welcomed the Bank's inclusion of land as a special issue in the first phase of the review, as an opportunity to position the Bank in the face of the changing external landscape – the global rush for land. The first draft does have some positive elements such as an explicit prohibition of forced eviction, compensation to now include adequate housing, and the qualified inclusion of Free Prior and Informed Consent (FPIC) for indigenous peoples. But the many dilutions, exclusions and loopholes, specifically within ESS5 and the throughout the ESF, threaten to undermine this progress.

Oxfam together with our partners hosted a roundtable discussion on land, housing and indigenous people's rights in the first draft of the ESF, and invited the Bank to discuss the ESF along with other members of the CSO and academic community. The summary document of that event and the constructive exchanges involved, were officially submitted as part of this phase of the consultation⁶. However we would like to highlight specific areas we feel should be addressed at a minimum, building off that discussion.

Oxfam signed onto and fully endorses the joint submission made by Inclusive Development International⁷, and others on textual changes needed to ensure the new draft both offers enhanced protections for land tenure rights, and works to strengthen land tenure security for poor communities.

In addition to that more detailed submission we would like in particular to highlight certain issues of concern to Oxfam:

3.2.1 Indigenous Peoples proposed alternative approaches

⁶ <http://www.inclusivedevelopment.net/wp-content/uploads/2014/12/Land-Rights-in-the-Draft-ESF-Roundtable-Outcome-Document-FINAL.pdf>

⁷ Inclusive Development International et al submission – 'Detailed Comments on ESS5.'- https://consultations.worldbank.org/Data/hub/files/joint_safeguards_submission_on_involuntary_resettlement_and_land_.pdf



The right to Free Prior and Informed Consent (FPIC) is a right of indigenous peoples under international law, codified by both the UN Declaration on the Rights of Indigenous Peoples, and the ILO Convention 169. We welcome its inclusion in both the Environmental and Social Policy (ESP) and ESS7. The proposed ‘alternative approach’ however threatens to undermine indigenous people’s rights to FPIC and sends a disturbing message to governments that such rights are optional. The deferral to the other ESSs does not take into consideration the distinct cultural collective attachments to land of indigenous people’s or the need for culturally sensitive consultation and consent, thereby undermining international law.

Additionally, footnote 14 of ESS7, paragraph 25 exempts indigenous peoples from FPIC if they “individually hold legal title, or where the relevant national law recognizes customary rights for individuals.” The right to FPIC in international law is not contingent on collective titling of property, and indigenous peoples should not be deprived of this right as a result of having secured individual titles for their land. FPIC must be obtained from the entire project affected community irrespective of tenure arrangements.

ESS7 should also note with regard to FPIC that disclosure of information should be in a language and appropriate form to be fully understood by the affected communities.

Current text	Proposed line edits
<p>Page 15, 33. In order to determine the applicability of ESS7, the Bank will undertake a screening to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area. Where the Borrower has raised valid concerns regarding the application of ESS7 , and submitted a request to the Bank to consider an alternative approach, the Bank may agree to the Borrower adopting such an approach, in which risks and impacts of the project on Indigenous People will be addressed through the application of the ESSs other than ESS7. The alternative approach will be structured so that relevant project-affected communities (of Indigenous Peoples) will be treated at least as well as other project-affected people. The agreement between the Bank and the Borrower regarding this approach will be set out in the ESCP.</p>	<p>Page 15, 33. In order to determine the applicability of ESS7, the Bank will undertake a screening to determine whether Indigenous Peoples are present in, or have collective attachment to, the project area. Where the Borrower has raised valid concerns regarding the application of ESS7 , and submitted a request to the Bank to consider an alternative approach, the Bank may agree to the Borrower adopting such an approach, in which risks and impacts of the project on Indigenous People will be addressed through the application of the ESSs other than ESS7. The alternative approach will be structured so that relevant project-affected communities (of Indigenous Peoples) will be treated at least as well as other project-affected people. The agreement between the Bank and the Borrower regarding this approach will be set out in the ESCP.</p>
<p>Page 81, footnote 14. Typically, Indigenous Peoples claim rights and access to, and use of land and resources through traditional or customary</p>	<p>Page 81, footnote 14. Typically, Indigenous Peoples claim rights and access to, and use of land and resources through traditional or customary</p>



systems, many of which entail communal property rights. These traditional claims to land and resources may not be recognized under national laws. Where Indigenous Peoples individually hold legal title, or where the relevant national law recognizes customary rights for individuals, the requirements of ESS5 will apply, rather than the requirements under paragraph 25 of this ESS.	systems, many of which entail communal property rights. These traditional claims to land and resources may not be recognized under national laws. Where Indigenous Peoples individually hold legal title, or where the relevant national law recognizes customary rights for individuals, the requirements of ESS 5 ⁷ will apply, rather than the requirements under paragraph 25 of this ESS.
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3.2.2 Reference to, and alignment with the Voluntary Guidelines

In 2013, in response to Oxfam’s Land Freeze campaign, President Kim made a promise to ensure the Bank’s policies aligned with the Voluntary Guidelines on the Governance of Land Tenure (the VGs)⁸. The first draft does not adequately achieve this. This is a missed opportunity, given the VGs represent a rare international consensus among developed and developing countries, the private sector and civil society. Oxfam urges the Safeguards team to conduct a gap analysis between the VGs and the proposed Safeguards to ensure they are fully aligned. Currently there are several worrying gaps which include, for example, independent assessments on tenure rights, the promotion of gender equity, or the failure to ensure that projects supported by the Bank that result in displacement have a legitimate public purpose and general welfare value. In addition to the draft taking a stronger stance on the prohibition of forced eviction (to be in line with international human rights law), it also makes no reference to defining public purpose in instances of eminent domain and expropriation, and allows for such instances to be exempted from being classified as forced evictions purely at government discretion without this demonstration of public purpose.

Current text	Proposed line edits
Page 56, Objectives	Page 56, Objectives <ul style="list-style-type: none"> • To improve governance of tenure of land, fisheries and forests for the benefit of all, with an emphasis on vulnerable and marginalized people, with the goals of food security and progressive realization of the right to adequate food, poverty eradication, sustainable livelihoods, social stability, housing security, rural development,

⁸ <http://www.fao.org/docrep/016/i2801e/i2801e.pdf>



<ul style="list-style-type: none">• To avoid forced eviction. <p>Footnote 5. “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 this ESS. 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).</p>	<p>environmental protection and sustainable social and economic development. With all programmes, policies and technical assistance to improve governance of tenure be consistent with States’ existing obligations under international law, including the Universal Declaration of Human Rights and other international human rights instruments.</p> <ul style="list-style-type: none">• To avoid The prohibition of forced eviction. <p>Footnote 5. “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 this ESS. The exercise of eminent domain, compulsory acquisition or similar powers by a Borrower will not be considered to be forced eviction providing it only where rights to land, fisheries or forests are required for a public purpose. Borrowers should clearly define the concept of public purpose in law, in order to allow for judicial review, ensuring 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). They should respect all legitimate tenure right holders, especially women, vulnerable and marginalized groups, by acquiring the minimum resources necessary and promptly providing just compensation in accordance with national law. Where evictions are considered to be justified for a public purpose as a result of expropriation of land, fisheries and forests, States should conduct such evictions and treat</p>
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<p>Page 60,</p> <p>16. Where land acquisition or restrictions on land use are unavoidable, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment will also address the claims of communities who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, the Borrower will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area.</p>	<p>all affected parties in a manner consistent with their relevant obligations to respect, protect, and fulfil human rights.</p> <ul style="list-style-type: none">• Ensure the equal right of women and men to the enjoyment of all human rights, while acknowledging differences between women and men and taking specific measures aimed at accelerating de facto equality when necessary. States should ensure that women and girls have equal tenure rights and access to land, fisheries and forests independent of their civil and marital status. <p>Page 60,</p> <p>16. Where land acquisition or restrictions on land use are unavoidable, or investments involving large-scale transactions of tenure rights, including acquisitions and partnership agreements, are being considered, the Borrower will, as part of the environmental and social assessment, conduct a census to identify the persons who will be affected by the project, to establish an inventory of land and assets to be affected, to determine who will be eligible for compensation and assistance, and to discourage ineligible persons, such as opportunistic settlers, from claiming benefits. The social assessment will also address the claims of communities who, for valid reasons, may not be present in the project area during the time of the census, such as seasonal resource users. In conjunction with the census, the Borrower will establish a cut-off date for eligibility. Information regarding the cut-off date will be well documented and disseminated throughout the project area. Borrowers should strive to make provisions for different parties to conduct prior independent assessments on the potential positive and negative impacts that those investments could have on tenure rights, food security and the progressive realization of the right to adequate food, livelihoods and the environment.</p>
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	<p>Borrowers should ensure that existing legitimate tenure rights and claims, including those of customary and informal tenure, are systematically and impartially identified, as well as the rights and livelihoods of other people also affected by the investment, such as small-scale producers. This process should be conducted through consultation with all affected parties. Borrowers should ensure that existing legitimate tenure rights are not compromised by such investments.</p>
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3.2.3 Deferred appraisal of resettlement and livelihoods plans

The current draft removes critical requirements in relation to resettlement-planning instruments, including baseline data, and weakens requirements to assess alternatives, in order to avoid or minimize displacement. The draft proposes to allow the Bank's Board to approve projects before a full resettlement action plan is in place – leaving communities extremely vulnerable. Without such crucial information as to the extent and cost of resettlement occasioned by a project, the Bank's Board will not be able to assess a project based on its actual cost-benefit analysis. In addition, the requirement to treat involuntary resettlement as a sustainable development project should be reinstated, in order to ensure communities are not left worse off.

3.2.4 Narrowing of the scope of impacts

Related to the aforementioned definitional problems with 'associated and related facilities,' the draft fails to adequately protect people who may suffer project impacts due to a narrowing of the scope of application of the Safeguards to those impacted by land acquisition or land use restrictions. Such a narrowing of the scope would exempt indirect impacts from the provisions of ESS5, such as downstream impacts to fishing communities as a result of a dam project. It would also mean that cumulative impacts on ecosystems such as those experienced from the construction of a series of dams, and the resulting loss of livelihoods will not be compensated. All projects which affect people's access to land, resources and productive and social assets must be covered by the provisions of ESS5 without exception.

3.2.5 Exemptions from ESS5

There are a number of worrying exclusions from ESS5. These include land titling programs, of which the World Bank is the world's biggest funder. The land titling process in itself can lead to impacts on communities' access to land (as shown in Inspection Panel Complaints relating to Bank land administration programmes in Cambodia and Panama for example). Additionally, the current draft



excludes natural resource management programmes, which again – for example in the case of forest management – can have extensive detrimental impacts on people’s access to the resources on which their livelihoods depend. Hence it is essential such programs are covered by the Safeguards, and this exemption be removed.

3.2.6 Resettlement planning and restoration/improvement of livelihoods

Adequate compensation, especially in the case of involuntary resettlement to ensure that communities are better off than they were before resettlement, or at a minimum have their livelihoods restored, is an essential component that needs to be planned and budgeted for during the design phase. Currently, the draft would allow the borrower to carry out such planning only where “technically and financially feasible.” As we state below in the context of climate change, any incremental costs of doing such assessments should be taken out of the project’s financial viability assessment, be borne by the Bank, and budgeted for, so that such compensation is properly designed into the project as a mandatory requirement.

3.3 Climate Change

In addition to climate change being identified as one of the emerging areas within the safeguards review, President Kim has constantly stated the importance of fighting climate change if development goals are to be met. Kim has pushed the Bank to release key reports such as the ‘Turning up the Heat’ report on what a 4 Degree world would look like, and the “Climate Smart Development” report which highlighted the economic and development opportunities in mitigation actions. Despite this, the climate provisions of the first draft are inadequate to match this level of ambition, sending the wrong message to borrowers and donors alike, failing to affirm that adherence to climate change due diligence is an opportunity to maximize development outcomes, not curtail them.

Specifically the references to climate change are disparate throughout the ESF, with no centralized vision or mandatory requirements of assessments given the cross cutting nature of climate across all disciplines. While the Bank correctly has other areas and platforms of its operations where climate is being integrated into such as the Country Partnership Frameworks, IDA Scorecard and a new overarching climate directive, the lack of operationalization within the safeguards is concerning, and risks undermining the Bank’s climate agenda.



Oxfam signed onto and fully endorses the joint submission made by The Sierra Club⁹, and others on textual changes needed to ensure the new draft adequately mainstreams climate change considerations into its operations policies to promote low-carbon, climate resilient development.

In addition to that more detailed submission we would like in particular to highlight certain issues of concern to Oxfam:

3.3.1 Capturing all environmental and social externalities, specifically pricing carbon

In addition to its findings of ‘Climate Smart Development,’ of action on climate change resulting in a range of financial benefits given the development cobenefits that low-carbon development has over high-fossil fuel energy choices (such as less water use, less local air pollution, less traffic congestion and the health benefits from all of these), the Bank announced at the 2014 Annual meetings plans to incorporate a shadow carbon price on all its projects. Specific details remain unclear, though it is reported to be in the range of \$30/ton. This would mean that Bank would first calculate the carbon footprint of their investments and then include in the project’s economic and financial analysis a price of \$30 per tonne of carbon dioxide emitted. For energy projects, this will be significant in forcing a greater consideration of low-carbon alternatives given that they will likely become more comparable in price. Additionally the costs of other externalities such as land, health, employment, and gender considerations should also be considered with attempts made to quantify their benefits into the financial calculations of the projects, allowing for the full picture of the pro-development benefits mentioned in the 2010 IEG report of safeguards to be realized.

Current text	Proposed line edits
Page 25. 21. The Borrower will carry out an environmental and social assessment of the project to assess the environmental and social risks and impacts of the project during each stage of the project cycle. The assessment will be commensurate and proportional with the potential risks and impacts of the project and the project classification assigned by the Bank, and will assess, in an integrated way, all relevant direct, indirect and cumulative environmental and social risks and impacts during each stage of the project cycle, including those specifically	Page 25. 21. The Borrower will carry out an environmental and social assessment of the project to assess and where possible quantify the environmental and social risks and impacts of the project during each stage of the project cycle. The assessment will be commensurate and proportional with the potential risks and impacts of the project and the project classification assigned by the Bank, and will assess, in an integrated way, all relevant direct, indirect and cumulative environmental and social risks and impacts during each stage of the project cycle,

⁹ Sierra Club et al submission – ‘Climate and Efficiency Safeguards Submission (Final Feb 2015).’ - https://consultations.worldbank.org/Data/hub/files/climate_and_efficiency_safeguards_submission_final_feb_2015.pdf



<p>identified in ESSs2–10</p> <p>.</p> <p>26. The environmental and social assessment, informed by the scoping of the issues, will take into account all relevant environmental and social risks and impacts of the project, including:</p> <p>(a) Environmental risks and impacts, including: (i) those defined by the EHSg; (ii) those related to community safety (including dam safety and safe use of pesticides); (iii) those related to climate change and other transboundary or global impacts; (iv) any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats and biodiversity; and (v) those related to the use of living natural resources, such as fisheries and forests;</p>	<p>including those specifically identified in ESSs2–10.</p> <p>26. The environmental and social assessment, informed by the scoping of the issues, will take into account and where possible quantify all relevant environmental and social risks and impacts of the project, including:</p> <p>(a) Environmental risks and impacts, including: (i) those defined by the EHSg; (ii) those related to community safety (including dam safety and safe use of pesticides); (iii) those related to climate change and other transboundary or global impacts which would include the financial implications of shadow carbon pricing; (iv) any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats and biodiversity; and (v) those related to the use of living natural resources, such as fisheries and forests;</p>
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3.3.2 Use of country-led, transparent, best practice planning tools (page 26, para 24)

The ESF makes reference to the aligning environmental and social assessments with nationally appropriate strategies, though there is a lack of scope on the specific types of climate and energy best practice tools available. The Bank should require the use of such transparent planning and assessment tools that are in line with exiting national strategies such as (1) integrated resource planning (as required by the Energy Sector Strategy); (2) low-carbon development strategies and nationally appropriate mitigation actions (NAMAs); (3) national REDD+ strategies; (4) national adaptation plans; and (5) national action plans to reduce short-lived climate pollutants.

Current text	Proposed line edits
<p>Page 26.</p> <p>24. The Borrower will ensure that the environmental and social assessment takes into account in an appropriate manner all issues relevant to the project, including: (a) the country's applicable policy framework, national</p>	<p>Page 26.</p> <p>24. The Borrower will ensure that the environmental and social assessment takes into account in an appropriate manner all issues relevant to the project, including: (a) the country's applicable policy framework, national</p>



<p>laws and regulations, and institutional capabilities (including implementation) relating to environment and social issues; variations in country conditions and project context; country environmental or social studies; national environmental or social action plans; and obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) applicable requirements under the ESSs; and (c) the EHSg, and other relevant GIIP. The assessment of the project, and all proposals contained in the assessment, will be consistent with the requirements of this paragraph.</p>	<p>laws and regulations, and institutional capabilities (including implementation) relating to environment and social issues; variations in country conditions and project context; country environmental or social studies including integrated resource planning (as required by the Energy Sector Strategy); national environmental or social action plans such low-carbon development strategies and nationally appropriate mitigation actions (NAMAs), national REDD+ strategies; national adaptation plans; and national action plans to reduce short-lived climate pollutants ; and obligations of the country directly applicable to the project under relevant international treaties and agreements; (b) applicable requirements under the ESSs; and (c) the EHSg, and other relevant GIIP. The assessment of the project, and all proposals contained in the assessment, will be consistent with the requirements of this paragraph.</p>
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3.3.3 Measuring the climate risks of people, not just the projects

We welcome the draft making provisions to measure the climate risks of projects, however it fails to include specific provisions for measuring and protecting the resilience of host communities and ecosystems – a key Oxfam ask in the first phase which was ignored, which can easily be corrected. It is essential that people’s needs and livelihoods in the face of climate change impacts be assessed pre-project approval and designed into the life-cycle of the project to ensure that they too are protected against the impacts of climate change, and that their benefits of the projects are not impacted upon.

Current text	Proposed line edits
<p>Page 27, 26. The environmental and social assessment, informed by the scoping of the issues, will take into account all relevant environmental and social risks and impacts of the project, including:</p>	<p>Page 27, 26. The environmental and social assessment, informed by the scoping of the issues, will take into account all relevant environmental and social risks and impacts of the project, including:</p> <p>(a) Environmental risks and impacts,</p>



<p>(a) Environmental risks and impacts, including: (i) those defined by the EHS&G; (ii) those related to community safety (including dam safety and safe use of pesticides); (iii) those related to climate change and other transboundary or global impacts; (iv) any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats and biodiversity; and (v) those related to the use of living natural resources, such as fisheries and forests;</p> <p>33. The environmental and social assessment will consider potential project related transboundary and global risks and impacts, such as impacts from effluents and emissions, increased use or contamination of international waterways, greenhouse gas emissions, climate change mitigation and adaptation issues, and impacts on endangered migratory species and their habitats.</p>	<p>including: (i) those defined by the EHS&G; (ii) those related to community safety (including dam safety and safe use of pesticides); (iii) those related to climate change and other transboundary or global impacts on the resilience of host communities, specifically women; (iv) any material threat to the protection, conservation, maintenance and rehabilitation of natural habitats and biodiversity; and (v) those related to the use of living natural resources, such as fisheries and forests;</p> <p>33. The environmental and social assessment will consider potential project related transboundary and global risks and impacts, such as impacts from effluents and emissions, increased use or contamination of international waterways, greenhouse gas emissions, climate change mitigation and adaptation issues specifically on the resilience of host communities, specifically women, and impacts on endangered migratory species and their habitats.</p>
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3.3.4 Failure to make climate assessments mandatory

The ESF fundamentally fails to capture the message of the Bank’s own research on the merits of mandatory climate change assessments to improve the development outcomes and the profitability of the projects. It makes good reference to the need for GHG assessments, but incorrectly concedes that these may not be technically or financially feasible, despite evidence to the contrary. ‘Climate Smart Development’ showed that modest mitigation actions could yield an additional \$1.8 trillion globally, per annum. Climate change assessment is clearly the right investment choice in addition to the right development choice, and should be made mandatory.

Even if doing such an assessment proves prohibitively expensive for the borrower, such a cost must be borne by the World Bank as part of the lending agreement, and is in line with its development mandate as a lending institution to meet such full and incremental costs of conducting these assessments.

Current text	Proposed line edits
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<p>Page 41,</p> <p>5. In addition to the resource efficiency measures described above, the Borrower will consider alternatives and implement technically and financially feasible and cost-effective options to reduce project-related GHG emissions during the design and operation of the project.</p> <p>6. For projects that are expected to or currently produce more than 25,000 tonnes of CO2-equivalent annually, the Borrower will, where technically and financially feasible, quantify direct emissions from the facilities owned or controlled within the physical project boundary, as well as indirect emissions associated with off-site production of energy used by the project. Quantification of GHG emissions will be conducted by the Borrower annually in accordance with internationally recognized methodologies and good practice.</p>	<p>Page 41,</p> <p>5. In addition to the resource efficiency measures described above, the Borrower will consider alternatives and implement technically and financially feasible and cost-effective options, where necessary the full and incremental cost of these assessments will be borne by the World Bank, to reduce project-related GHG emissions during the design and operation of the project.</p> <p>6. For projects that are expected to or currently produce more than 25,000 tonnes of CO2-equivalent annually, the Borrower will, where technically and financially feasible, quantify direct emissions from the facilities owned or controlled within the physical project boundary, as well as indirect emissions associated with off-site production of energy used by the project. Quantification of GHG emissions will be conducted by the Borrower annually in accordance with internationally recognized methodologies and good practice. Where necessary the full and incremental cost of these quantifications will be borne by the World Bank.</p>
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