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Bank Directive

Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups

Bank Access to Information Policy Designation

[Public] [Official Use Only] [Confidential] [Strictly Confidential]

Catalogue Number

[Assigned by the P&PF Administrator within LEGVPU]

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Content

Establishes directions for Bank staff in respect of disadvantaged or vulnerable individuals or groups as required under the Environmental and Social Framework

Applicable to

IBRD and IDA

Issuer

Vice President, OPCS

Sponsor

Director, [Standards, Procurement & Financial Management Unit] [Operations Policy and Quality Department], OPCS

DELIBERATIVE WORKING DRAFT

July 20, 2016

SECTION I – PURPOSE AND APPLICATION

1. This Directive establishes directions for Bank staff regarding due diligence obligations relating to the identification of, and mitigation of risks and impacts on, individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable, as described in paragraph 4 (b) of the E&S Policy and paragraph 28 (b) of the ESS1.
2. This Directive applies to the Bank.

SECTION II – DEFINITIONS

Capitalized terms and acronyms used in this Directive have the meanings set out: (a) in [Section xx of] the Bank Policy entitled “*Environmental and Social Policy for Investment Project Financing*”, [enter date], Catalogue No. [xxxx]; or (b) below.

1. “**disadvantaged or vulnerable**” refers to those individuals or groups who, by virtue of, for example, their age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources, 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 an individual/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. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon whom they depend.
2. “**due diligence**” means the process conducted by the Bank pursuant to Section C of the E&S Policy.
3. “**ESCP**” or “**Environmental and Social Commitment Plan**” means the environmental and social commitment plan in respect of a project, the contents of which are described in Section E of the E&S Policy.
4. “**Environmental and Social Framework**” means the World Bank Environmental and Social Framework that comprises a “*Vision for Setting Environmental and Social Standard for Investment Project Financing*”, the “*World Bank Environmental and Social Policy for Investment Project Financing*” and the “*Environmental and Social Standards*”.
5. “**E&S Policy**” means the Bank Policy entitled “*World Bank Environmental and Social Policy for Investment Project Financing*”, [enter date], Catalogue No. [xxx].
6. “**environmental and social assessment**” means the process conducted by the Borrower pursuant to Section B of ESS1.

7. “**E&S Procedure**” means the procedure entitled “*Environmental and Social Procedure*” [enter date], Catalogue No. [xxx].
8. “**ESS 1**” means Environmental and Social Standard 1 on the Assessment and Management of Environmental and Social Risks and Impacts.
9. “**IPF**” or “**Investment Project Financing**” is as defined in paragraph 7 of the E&S Policy.
10. “**OESRC**” means the Operations Environmental and Social Review Committee of the Bank referred to in the Environmental and Social Procedure.
11. “**project**” means the project as defined in paragraph 8 of the E&S Policy.
12. “**Stakeholder Engagement Plan**” or “**SEP**” means the plan developed in accordance with ESS 10.

SECTION III – SCOPE

1. The task team supports the Borrower’s preparation and implementation of the project in accordance with, among other things, OP/BP10.00 *Investment Project Financing*, the relevant IPF instructions/procedures, the E&S Policy and the E&S Procedure. Where a project poses specific risks and impacts to individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable, the task team approaches such risks and impacts as set out below.
2. The task team assists the Borrower in establishing arrangements for the undertaking and preparation of the environmental and social assessment of the project as required by ESS1¹, including by reviewing and providing its no-objection to relevant terms of reference (if any) prepared by the Borrower with respect to the assessment and, as and when appropriate, supports the Borrower in carrying out consultations with stakeholders.
3. The task team reviews the terms of reference for the environmental and social assessment to verify that, in accordance with paragraphs 28 (b) (ii) and (iii) and 29 of ESS1, the terms of reference:
 - (a) identifies (or require the identification of) groups or individuals affected by the project that may be disadvantaged or vulnerable; and

¹ See in particular paragraphs 28 (b) (ii) and (iii) and 29 of ESS1.

- (b) requires an assessment of project risks and impacts, and identification of differentiated mitigation measures, as they pertain to the disadvantaged or vulnerable individuals or groups that are identified.
4. The Borrower is also required to engage with the different stakeholders as an integral part of the environmental and social assessment in accordance with ESS10². The task team reviews the Borrower's Stakeholder Engagement Plan (SEP) to verify that:
- (a) the SEP identifies the disadvantaged or vulnerable individuals or groups as referred to in paragraph 1 of Section II;
 - (b) where applicable, the SEP includes differentiated measures to allow the effective participation of such individuals or groups; and
 - (c) the Borrower has engaged and consulted with such individuals and groups in accordance with the SEP.
5. The task team undertakes its due diligence of the project, with respect to disadvantaged or vulnerable individuals or groups, by (as applicable):
- (a) reviewing the environmental and social assessment conducted by the Borrower to verify that it addresses the relevant project risks and impacts, including the (i) risk that project-related impacts fall disproportionately on individuals or groups who, because of their particular circumstances, may be disadvantaged or vulnerable; and (ii) risk of prejudice or discrimination toward individuals or groups in providing access to [development resources and] project benefits, particularly in the case of those who may be disadvantaged or vulnerable;
 - (b) if appropriate in the context of a particular project, participating in the consultation activities of the Borrower, including with disadvantaged or vulnerable individuals or groups³.
 - (c) considering the potential significance of risks and impacts on disadvantaged or vulnerable individuals or groups in order to determine whether to require the Borrower to retain, or whether the Bank should retain, independent third party specialists to assist in the identification of such individuals or groups and assessment of the risks and impacts on them; and
 - (d) reviewing information provided by the Borrower or through the Bank's own efforts about the project's risks and impacts on disadvantaged or vulnerable individuals or groups.

² See in particular paragraphs 11 and 16 of ESS10.

³ See the E&S Policy, paragraph 53.

6. Through its due diligence, the task team ascertains whether: (i) the environmental and social assessment has properly identified the disadvantaged or vulnerable individuals or groups; and (ii) appropriate differentiated mitigation measures have been incorporated into project design and documented in relevant project documents so that adverse impacts do not fall disproportionately on the disadvantaged or vulnerable, and they are not disadvantaged in sharing any development benefits resulting from the project. This will contribute to the Bank's decision making as to whether to proceed with the proposed project or not.
7. There may be circumstances in which the application of this Directive (including the identification of disadvantaged or vulnerable individuals or groups or differentiated mitigation measures) could expose such individuals or groups to risk of harm. In such circumstances the task team will seek the advice of the OESRC, which will also consider any implications that this may have for the task team itself. The OESRC will consider the project-specific circumstances and the risk of harm, and advise the task team as to whether or not it should proceed with the project and, if so, on what basis. Where the project will proceed, the task team will comply with this Directive in the manner advised by the OESRC. The task team will document its good faith efforts to apply this Directive and the response of the Borrower to such efforts.
8. The task team ensures that the ESCP reflects in adequate detail the measures and actions agreed between the Bank and the Borrower to address risks or impacts on disadvantaged or vulnerable individuals or groups. The task team attaches the ESCP to the legal agreement and includes in the legal agreement any appropriate obligations to be met by the Borrower in relation to disadvantaged or vulnerable individuals or groups.
9. During the implementation support and monitoring phase, the task team monitors the Borrower's obligations with respect to disadvantaged or vulnerable individuals or groups.
10. The task team may engage independent third party specialists or consult with stakeholders to verify project monitoring information related to disadvantaged or vulnerable individuals or groups.

SECTION IV – EXCEPTION

[Specify: (1) any Exceptionⁱⁱ to any provision in the document; (2) the specific circumstances and requirements under which the Exception may be approved; and (3) who may approve the Exception.]

SECTION V – WAIVER

A provision of this Directive may be waived in accordance with [Bank Policy “Operational Policy Waivers”, April 7, 2014, Catalogue No. OPCS05.06-POL.01]

SECTION VI – OTHER PROVISIONS

[Specify any other matter that is not addressed in the above sections and is appropriate to be included in the document.]

Section VII – TEMPORARY PROVISIONS

[Specify any transitional requirements or provisions in effect for a limited period of time.]

SECTION VIII – EFFECTIVE DATE

This Directive is effective [*insert date*].

SECTION IX – ISSUER

The Issuer of this Directive is [*insert title of Issuer*].

SECTION X – SPONSOR

The Sponsor of this Directive is [*insert title of Sponsor*].

SECTION XI – RELATED DOCUMENTS

[List any Board paper, Policy, Directive, Procedure, Guidance, delegation of authority to grant Waivers, and other important documents that relate to the subject matters covered by this document. For any reference to a P&P Document or other document listed under this Section provide its title, date, the P&P Repository catalogue number (if applicable), and the hyperlink. If any of the documents listed under this section is also available in languages other than English, the Sponsor sends to the P&PF Administrator the non-English versions as a link or attachment, so that it can be included.]

Questions regarding this Directive should be addressed to the Sponsor.

ⁱ The term “Issued and Effective” is used only if the two dates are the same. If not, show each date on a separate line, as indicated. The term “Last Revised Date” refers to the date when the document was last revised. If the document was not previously revised, the Last Revised Date reference is not used.

ⁱⁱ As defined in Section II of the P&P F Directive, “Exception” is a deviation from a requirement of a Policy, Directive or Procedure that is explicitly permitted by such document’s terms.