



## Review and Update of the World Bank's Environmental and Social Safeguard Policies

### Phase 2

### Feedback Summary

**Date:** September 18, 2014

**Location (City, Country):** Geneva, Switzerland

**Audience (Government, CSO, etc.):** Aarhus Convention secretariat, Espoo Convention secretariat (United Nations Economic Commission for Europe)

**Overview and Key Issues Discussed:**

| Specific Feedback from Stakeholders  |
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| <p><b>1. General Comments</b></p> <p><i>Comments and recommendations:</i></p> <ul style="list-style-type: none"> <li>• More detailed written comments from secretariats to the Aarhus Convention and Espoo Convention will follow.</li> <li>• ESF is <b>backward step and noticeably weaker</b> than Bank's current Safeguards Policies.</li> <li>• Bank's current Safeguards play crucial standard-setting role for Bank projects around the world and set benchmark for other financial institutions. Also, Safeguards influence standards at national level in countries where Bank is operating. The weaker standards of the proposed ESF risks <b>downward slide</b> amongst development banks generally.</li> <li>• The <b>classification of programs</b> is less clearly structured than before.</li> <li>• Use of <b>common approach</b> encourages move towards "lowest common denominator" among different development banks.</li> <li>• Page 11, footnote 14: requirements may change according to "<b>capacity of borrower:</b>" this could lead to a two-tier system, with people and the environment in less developed countries expressly given a lower level of protection under the ESF. A road map including provision of technical assistance from the Bank could perhaps offer a solution to this.</li> <li>• More references are needed to compliance with <b>international obligations, including the Aarhus and Espoo Conventions</b>. Currently, there are some international instruments mentioned, eg Stockholm Convention and Montreal Protocol. However, in other places, the ESF refers only to obligations under national law. The Bank should be a <b>champion for international obligations</b>, which could be highlighted in a number of paragraphs, for example on page 30, paragraph 45.</li> <li>• Replace all references to "<b>is expected to</b>" (e.g. the Borrower is expected to...) throughout the ESF, with "<b>is required to</b>".</li> </ul> |

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| <ul style="list-style-type: none"> <li>• Replace all references to “will not materially deviate from <b>the objectives of the ESSs</b>” with “will not materially deviate from <b>what would otherwise be required under the ESSs</b>”</li> <li>• <b>Cooperation with other organizations</b> should be mentioned more explicitly.</li> </ul> |
| <b>2. A Vision for Sustainable Development</b>  |
| /   |
| <b>3. World Bank Environmental and Social Policy</b>  |
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| <b>4. Environmental and Social Standard 1 (ESS1): Assessment and Management of Environmental and Social Risks and Impacts</b>   |
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| <b>5. Environmental and Social Standard 2 (ESS2): Labor and Working Conditions</b>  |
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| <b>6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention</b>  |
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| <b>7. Environmental and Social Standard 4 (ESS4): Community Health and Safety</b>   |
| /   |
| <b>8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement</b>  |
| /   |
| <b>9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources</b>  |
| <ul style="list-style-type: none"> <li>• <b>Environmental Impact Assessment:</b> Counterparts appreciated the fact that borrowers will need to hire an independent specialist.</li> </ul>   |
| <b>10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples</b>   |
| /   |
| <b>11. Environmental and Social Standard 8 (ESS8): Cultural Heritage</b>  |
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| <b>12. Environmental and Social Standard 9 (ESS9): Financial Intermediaries</b>   |
| <ul style="list-style-type: none"> <li>•</li> </ul>   |

### 13. Environmental and Social Standard 10 (ESS10): Information Disclosure and Stakeholder Engagement

#### Recommendations:

- Counterparts in general **commended the stakeholder engagement plan**, but stressed the need to build in guarantees that the borrower **actively communicates** project details to potential stakeholders, where/how they can obtain further information, make use of the grievance mechanism, etc. – especially keeping in mind those who may have less access to mainstream communication channels due to remote location or socio-economic background.
- **Step-by-step plan for borrower (paragraph 19) should be elaborated, with more details, introducing the obligation to respond, detailed stipulations on how to process complaints, highlighting the need to ensure an ample time frame, etc.**
- Express **requirement to take due account** of stakeholders' input should be added.
- **Definition of “project-affected communities”** should be broadened, in order to include concerned citizens who may not live in the direct proximity of the project site, among others. For example: (i) in case of a large rural dam project: someone living in the capital, concerned with natural capital; (ii) the environment is affected but can't voice complaints, so environmental activists and CSOs should also be granted stakeholder status.
- Attention to **cross-border aspects**: more explicit mention needed. Borrower needs to notify potentially affected countries of the project and involve the general public of that country.
- **'Non-retaliation' principle**: should be mainstreamed instead of only being applicable when the official grievance mechanism is being used. Should be applicable to a broad range of stakeholders, not just the ones living in the immediate proximity of the project site (e.g., activists).
- **Weak / open-ended language**: “adequate engagement”, rights of stakeholders / project-affected communities only need to be “taken into account” “if applicable” / “if appropriate”, feedback to be incorporated “where appropriate”, meaningful participation “where applicable:” stricter requirements are needed to make borrower more accountable.
- **Ample time frames** need to be provided for public participation.