



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

Date: December 13, 2015

Location: Beirut, Lebanon

Audience:

From Jordan: Ministry of Social Development, Ministry of Water & Irrigation, Ministry of Municipal Affairs, Ministry of Environment, Ministry of Energy & Mineral Resources, Ministry of Public Works & Housing, Greater Amman Municipality, and the Hashemite Fund for Development of Jordan Badia

From Iraq: Ministry of Planning in KRG, Ministry of Finance, Reconstruction Fund and CSOs.

Overview: Consultations for both countries were combined. Participants consisted of both Government and CSOs representatives. The Jordanian participants connected from Amman, via video conferencing, while the Iraqi participants came to Beirut for the consultations.

ESF	Issue	Items	Feedback
Vision	Human Rights	<ul style="list-style-type: none"> Approach to human rights in the ESF 	
ESP/ ESS1	Non-discrimination and vulnerable groups	<ul style="list-style-type: none"> Explicit listing of specific vulnerable groups by type/name (age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous 	<ul style="list-style-type: none"> Participants asked whether the new standards are more focused on vulnerable groups and particularly the poor. Clarifications were sought on the role of the Bank and the new standards in cases where there is a lack of national legislation pertaining to gender and inclusion.

		<p>status, and/or dependence on unique natural resources)</p> <ul style="list-style-type: none"> • Specific aspects of the non-discrimination principle in complex social and political contexts, including where recognition of certain groups is not in accordance with national law 	
	Use of Borrower's Environmental and Social Framework	<ul style="list-style-type: none"> • Role of Borrower frameworks in the management and assessment of environmental and social (E&S) risks and impacts where these will allow projects to achieve objectives materially consistent with Environmental and Social Standards (ESSs) • Approach for making decision on the use of Borrower frameworks, including the methodology for assessing where frameworks will allow projects to achieve objectives materially consistent with the ESSs, and the exercise of Bank discretion • Role of Borrower frameworks in high and substantial risk projects 	
	Co-financing/ common approach	<ul style="list-style-type: none"> • Arrangements on E&S standards in co-financing situations where the co-financier's standards are 	

		different from those of the Bank	
	Adaptive risk management	<ul style="list-style-type: none"> • Approach to monitoring E&S compliance and changes to the project during implementation 	<ul style="list-style-type: none"> • Participants requested more detail about adaptive risk management, the roles and responsibilities of both the Borrower and the Bank, particularly with respect to monitoring and supervision and in conflict and fragile situations. • More clarifications were sought about 3rd party monitoring of projects under implementation.
	Risk classification	<ul style="list-style-type: none"> • Approach to determining and reviewing the risk level of a project 	<ul style="list-style-type: none"> • There was a question whether the classification of risk was uniform across countries. The consultation team discussed the proposed risk classification definitions and how they would change over the life of the project.
ESS1	Assessment and management of environmental and social risks and impacts	<ul style="list-style-type: none"> • Assessment and nature of cumulative and indirect impacts to be taken into account • Treatment of cumulative and indirect impacts when identified in the assessment of the project • Establishing project boundaries and the applicability of the ESSs to Associated Facilities, contractors, primary suppliers, FI subprojects and directly funded sub-projects • Circumstances under which the Bank will determine whether the Borrower will be required to retain independent third party specialists 	

	Environmental and Social Commitment Plan (ESCP)	<ul style="list-style-type: none"> • Legal standing of the ESCP and implications of changes to the ESCP as part of the legal agreement 	
ESS2	Labor and working conditions	<ul style="list-style-type: none"> • Definition and necessity of and requirements for managing labor employed by certain third parties (brokers, agents and intermediaries) • Application and implementation impacts of certain labor requirements to contractors, community and voluntary labor and primary suppliers • Constraints in making grievance mechanisms available to all project workers • Referencing national law in the objective of supporting freedom of association and collective bargaining • Operationalization of an alternative mechanism relating to freedom of association and collective bargaining where national law does not recognize such rights • Issues in operationalizing the Occupational Health and Safety (OHS) provisions/standards 	<ul style="list-style-type: none"> • Participants sought further clarifications about the grievance redress mechanism and submission of complaints. • The Bank was asked whether the new standards would have provisions to protect workers in the case of accidents. • More information was requested with respect to the definition of primary suppliers, and the role of the Borrower in the application of the OHS guidelines. • Participants asked whether national social security laws are applicable to project workers or if Bank standards require different procedures. • The Bank was asked to provide more clarity on how to ensure the Borrower is complying with the OHS guidelines.

ESS3	Climate change and GHG emissions	<ul style="list-style-type: none"> • The relation between provisions on climate change in the ESF and broader climate change commitments, specifically UNFCCC • Proposed approaches to measuring and monitoring greenhouse gas (GHG) emissions in Bank projects and implications thereof, in line with the proposed standard, including determining scope, threshold, duration, frequency and economic and financial feasibility of such estimation and monitoring • Implications required for the Borrower of estimating and reducing GHG emissions for Bank projects, in line with the proposed standard 	<ul style="list-style-type: none"> • Further clarifications were requested with respect to measuring GHG emissions, climate adaptation and climate change. Participants raised concerns pertaining to measurement of GHG emissions in Bank projects. • Participants inquired about Bank projects with negative impacts on climate. How would the Bank measure and mitigate? What are the thresholds?
ESS5	Land acquisition and involuntary resettlement	<ul style="list-style-type: none"> • Treatment and rights of informal occupants and approach to forced evictions in situations unrelated to land acquisitions • Interpretation of the concept of resettlement as a “development opportunity” in different project circumstances 	<ul style="list-style-type: none"> • Participants inquired about resettlement and whether compensation should be paid and handled by the Bank or the Borrower. Moreover, CSO participants raised questions pertaining to the role of the CSOs in the monitoring of resettlement/compensation. • Participants sought clarifications on whether the Bank can finance compensation. Under certain circumstances and upon Government’s request, the Bank could finance compensation/resettlement.
ESS6	Biodiversity	<ul style="list-style-type: none"> • Operationalization of the provisions on primary suppliers and ecosystem 	

		<p>services, especially in situation with low capacity</p> <ul style="list-style-type: none"> • Role of national law with regard to protecting and conserving natural and critical habitats • Criteria for biodiversity offsets, including consideration of project benefits • Definition and application of net gains for biodiversity 	
ESS7	Indigenous Peoples	<ul style="list-style-type: none"> • Implementation of the Indigenous Peoples standard in complex political and cultural contexts • Implementation of ESS7 in countries where the constitution does not acknowledge Indigenous Peoples or only recognizes certain groups as indigenous • Possible approaches to reflect alternative terminologies used in different countries to describe Indigenous Peoples • Circumstances (e.g. criteria and timing) in which a waiver may be considered and the information to be provided to the Board to inform its decision 	

		<ul style="list-style-type: none"> • Criteria for establishing and implementation of Free, Prior and Informed Consent (FPIC) • Comparison of proposed FPIC with existing requirements on consultation • Application of FPIC to impacts on Indigenous Peoples' cultural heritage 	
ESS8	Cultural Heritage	<ul style="list-style-type: none"> • Treatment of intangible cultural heritage • Application of intangible cultural heritage when the project intends to commercialize such heritage • Application of cultural heritage requirements when cultural heritage has not been legally protected or previously identified or disturbed 	
ESS9	Financial Intermediaries	<ul style="list-style-type: none"> • Application of standard to FI subprojects and resource implications depending on risk • Harmonization of approach with IFC and Equator Banks 	
ESS10	Stakeholder engagement	<ul style="list-style-type: none"> • Definition and identification of project stakeholders and nature of engagement • Role of borrowing countries or implementing agencies in identifying project stakeholders 	<ul style="list-style-type: none"> • CSO Participants stated that some governments don't involve all stakeholders in the development process and that the Bank needs to adopt measures to ensure all stakeholders are better included. • Stakeholder engagement is essential. Hence, participants urged the Bank to ensure consultations are done adequately, include the right stakeholders, and that all stakeholders speak freely without coercion from the Government.

			<ul style="list-style-type: none"> • A concern was voiced that the term “Stakeholders” is very broad and that Stakeholders are not a homogenous group.
General	EHSG and GIIP	<ul style="list-style-type: none"> • Application of the Environmental, Health and Safety Guidelines (EHSGs) and Good International Industry Practice (GIIP), especially when different to national law or where the Borrower has technical or financial constraints and/or in view of project specific circumstances 	
	Feasibility and resources for implementation	<ul style="list-style-type: none"> • Implementation and resource implications for Borrowers, taking into account factors such as the expanded scope of the proposed ESF (e.g., labor standard), different Borrower capacities and adaptive management approach • Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness 	
	Client capacity building and implementation support	<ul style="list-style-type: none"> • Funding for client capacity building • Approaches and areas of focus • Approach to implementing the ESF in situations with capacity constraints, e.g., 	<ul style="list-style-type: none"> • CSO Participants stressed the importance of building the capacity of the Borrower as well as the CSOs. • Participants asked whether capacity building activities can be funded through a project.

		FCS, small states and emergency situations	
	Disclosure	<ul style="list-style-type: none"> • Timing of the preparation and disclosure of specific environmental and social impact assessment documents (related to ESS1 and ESS10) 	<ul style="list-style-type: none"> • The participants asked about the difference in disclosure procedures of EIAs between national laws and Bank. Which set of procedures would prevail if there were any differences?
	Implementation of the ESF	<ul style="list-style-type: none"> • Bank internal capacity building, resourcing, and behavioral change in order to successfully implement the ESF • Ways of reaching mutual understanding between Borrower and Bank on issues of difficult interpretation 	<ul style="list-style-type: none"> • CSO Participants sought clarification on the Bank’s definition of “project life cycle”. According to the ESF the Bank is obliged to monitor ESSs throughout the project cycle. Project life cycle is defined and includes “preconstruction, construction, operation, decommissioning, closure and reinstatement/restoration of works. What happens when a project closes and there are no resources for the Bank to monitor the decommissioning, closure and reinstatement/restoration which may happen after the project closes?
Other issues			<ul style="list-style-type: none"> • Overall, there was interest in learning more about how the new standards would be implemented. A question was raised regarding the country context and whether it is taken into consideration when the new standards are implemented. • Participants asked for further clarification about the role of the Borrower and the private sector(including CSOs) in the implementation of the new standards • There was an inquiry about the role of the Inspection Panel. • Participants felt it would be difficult to monitor projects when the country’s security situation is unstable. The Bank was also asked if it monitors projects after closure. • The Bank was asked whether OP 7.50 and OP 7.60 will be modified under the new standards. • CSO Participants urged the Bank to involve the CSOs more in consultations and to introduce shadow reporting such as the UN.

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| | <ul style="list-style-type: none">• There was an inquiry about the definition of associated facilities, how they can affect the project, and how the Bank would carry out the due diligence of them.• Some participants asked about how the proposed ESF linked with other WB initiatives like the <i>Global Partnership for Social Accountability</i>.• Importance of use of local languages during engagement with stakeholders and other consultation processes. |
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