



Review and Update of the World Bank's Environmental and Social Safeguard Policies
Phase 2
Feedback Summary

Date: February 25, 2015

Location: Nairobi, Kenya

Audience: Government Officials

Overview and Key Issues Discussed: On February 25, 2015, the World Bank held a consultation meeting with government officials from Kenya. Some of the key issues discussed were how the Environmental and Social Framework (ESF) would change the government's role in projects; labor and working conditions (ESS 2); and the indigenous peoples Standard (ESS 7). **This summary is subject to change after review and comments from consultation participants.**

Specific Feedback from Stakeholders

1. General Comments

Inquiries

- Do you foresee issues pertaining to human rights and gender taking on a more prominent role in the redrafted ESF?
- The ESF mentions that the World Bank will have a larger involvement in projects. What does that entail? Does it mean that the Bank will be involved in project implementation?
- Will governments be able to use national laws as substitutes of Standards, or will they have to use both?
- Why were some Operational Policies eliminated? For example: O.P. 4.09 on Pest Management.
- When will training on the redrafted ESF commence? Borrower capacity needs to be strengthened.
- Will training take place at all levels of government or just at the local level?

Comments

- The World Bank should support the government improve its safeguards capacity and its quality of governance, but it should not get involved in official government business or in its policymaking process. The bank needs to “stay out of the government’s kitchen.”
- Adding concerns (such as support for human rights) and requirements (for example, obtaining FPIC) may slow down the project-cycle, and negatively impact project effectiveness, by placing more responsibilities on the borrower.

Recommendations

- The World Bank should take a leadership role in safeguards implementation in cases where several institutions are financing a project. The Bank should not only be responsible for the parts of a project that it finances.

2. A Vision for Sustainable Development

N/A

3. World Bank Environmental and Social Policy

Inquiries

- Will standards be “triggered” in the same way that Operational Policies are currently triggered?
- What does the Environmental and Social Commitment Plan replace?
- Does the Commitment Plan establish a monitoring baseline?

Comments

- Environmental and Social Impact Assessments (ESIA) are usually carried out solely by environmental specialists. That weakens their social component.

Recommendations

- The World Bank needs to ensure that project affected peoples have used the project’s grievance mechanism before their complaints reach the Bank.
- A common approach to monitoring and evaluation should be created for cases where multiple financial institutions are financing a single project. Otherwise the project timeline may be negatively affected.
- Cumulative impacts are sometimes forgotten and should be considered for all projects.
- Social specialists should always be included in the teams that draft ESIA’s.

4. Environmental and Social Standard 1 (ESS1): Assessment and Management of Environmental and Social Risks and Impacts
<i>Inquiries</i>
<ul style="list-style-type: none"> • How long will it take to undertake risk assessments? • How will risk be assessed?
5. Environmental and Social Standard 2 (ESS2): Labor and Working Conditions
<i>Inquiries</i>
<ul style="list-style-type: none"> • Members of communities where projects are being implemented do not always possess the skills necessary to fill jobs within projects. That community may later complain that they were discriminated against, when in fact they were not qualified to fill the jobs. What should the borrower do to prevent people in those circumstances from stopping projects by taking their complaints to the Bank? • What grievance redress mechanism should be used in cases where there are collective labor agreements? What is the borrower responsible for and what is the Bank's role in that circumstance?
<i>Comments</i>
<ul style="list-style-type: none"> • Making ESF Standards more prescriptive may lead to increased inflexibility in the labor markets. That could create a more difficult working environment that, in turn, may reduce the amount of jobs in the market instead of increasing them.
6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention
N/A
7. Environmental and Social Standard 4 (ESS4): Community Health and Safety
N/A
8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement
N/A

9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources
N/A
10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples
<p><i>Comments</i></p> <ul style="list-style-type: none"> • Some participants expressed satisfaction with the inclusion of the “alternative approach”. • The inclusion of free, prior, and informed consent (FPIC) may create situations where the rights of the few may prevent satisfying the needs and wants of the majority. • Some aspects of the cultural lives of Indigenous Peoples are not approved by their national governments. This is the case of female genital mutilation. By safeguarding indigenous traditional modes of living and culture, the World Bank may also be safeguarding cultural practices that are unethical and disapproved by governments. <p><i>Inquiries</i></p> <ul style="list-style-type: none"> • Is the concept of Indigenous Peoples still valid? What are Indigenous Peoples and who is indigenous? • Why does FPIC only apply to cases where there are IPs present and not to other communities? • NGOS, politicians, and demonstrators do not always properly represent the communities that they seek to protect. How does the World Bank verify the reliability of claims? • Can a borrower opt-out of ESS 7 in its totality, or is it done on a case by case basis?
11. Environmental and Social Standard 8 (ESS8): Cultural Heritage
N/A
12. Environmental and Social Standard 9 (ESS9): Financial Intermediaries
N/A
13. Environmental and Social Standard 10 (ESS10): Information Disclosure and Stakeholder Engagement
N/A