



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

Date: November 3, 2014

Location: Bishkek, Kyrgyz Republic

Audience: Representatives of CSOs from Kazakhstan, Kyrgyz Republic, Tajikistan, Uzbekistan (some connected by VC)

Overview and Key Issues Discussed:

Bank representatives welcomed the participants and provided an [overview](#) of the process undertaken to date on the review and update of the policies and presented the draft “Environmental and Social Framework: Setting Standards for Sustainable Development.” Participants were then invited to ask questions and to express their views. **This summary is subject to change after review and comments from consultation participants.**

Specific Feedback from Stakeholders
1. General Comments
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • There’s no specific Standard on Gender; draft ESSF has too light a touch, not enough to provide required protection. • Environmental standards should be taught in schools as people don’t know what they’re breathing. • For international bidding, propose Standards should include priority to national bidders. • A participant wished to know how long the Bank had been working on the standards. • IFC/WB standards are used by many development banks, not only the World Bank. It is important that the many donors agree to follow a common approach. • Inspection Panel is very important; ESSF should strengthen its capacity to better consider context • None of the thematic group recommendations have been taken on board in the 10 Standards for Borrowers. There is not enough on disability or human rights. • One concern: standards are often adopted by Governments but not by the public. • Standards aren’t academic or abstract; they are goals. There is a need for uniform standards among the Bank, civil society and governments. <p><i>Clarifications:</i></p> <ul style="list-style-type: none"> • Participants sought clarification on the uniformity of the standards, e.g. on alleviating poverty or on “environment.” It is likely that there would be different interpretations of the standards in different countries. The main challenge will be for all parties to agree on unified standards. • A participant sought clarification on what “poor countries” are and whether it referred to countries where everybody is poor. • A participant sought clarification on whether the Inspection Panel would be strengthened under the new ESSF.

- Participants asked whether the underlying guidelines of the policies would also be revised.

Recommendations:

- Asian Development Bank requires Gender Action Plan; The Bank should, too.
- Since the document is called “Setting Standards for Sustainable Development,” The Bank must harmonize with the Convention on Sustainable Development and should require countries to ratify it.

2. A Vision for Sustainable Development

3. World Bank Environmental and Social Policy

Comments:

- Good that the Bank is trying to get a uniform approach; need same norms for different countries. But at the same time, need to determine whether certain standards apply in specific country situations.
- We welcome the delineation of functions of Bank vs. Borrower.

Clarifications:

- ESSF places great responsibility on Borrower to assess risks, develop and implement plans, monitor. Participants wished to know how implementation of safeguards will be ensured, and who will monitor ESCSP implementation.
- Harmonization of requirements is important: if Bank standards are different it makes project implementation difficult. To avoid subjectivity, need guidance on when deviation from Bank ESS would be considered “significant” or “material.”
- Role of International Convention on Sustainable Development: participants wished to know what the Bank would do if a country doesn’t recognize/ratify the convention, and whether the Bank would require it do so.
- The ESF refers to “sustainability” but seems to mean only environmental and social. Participants asked if economic sustainability would also be taken into account.
- Participants wished to know how the Policy would be applied if national laws change during project implementation, i.e., the Borrower “backtracks” on legislation (e.g., does “Streamlining” which can reduce national E&S requirements).

Recommendations:

- There’s a weak link for social assessment in that many governments have agencies to monitor and regulate environmental aspects, but not for social issues/project impacts. This is usually left to PMUs. ESSF needs to elevate the importance of social issues (not leave them as residual).
- What if the Bank agrees Borrower can use its own systems, but the Borrower has strong EIA laws but insufficient resources to implement? The Bank should support Borrower capacity to implement.

4. Environmental and Social Standard 1 (ESS1): Assessment and Management of Environmental and Social Risks and Impacts

Clarifications:

- ESS1, Use of Borrower Systems: Participants wished to know who would fund implementation if Borrower has strict environmental procedures

Recommendations:

<ul style="list-style-type: none"> • There should be an Annex discussing costs of ESCP in proportion to total project cost... what the criteria are and what proportion is expected for each sector.
5. Environmental and Social Standard 2 (ESS2): Labor and Working Conditions
<p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • Re labor relations. Child labor is allowed in Tajikistan after age 14; it is good for children to earn money for the family. Participants asked how the Bank would work with this situation, and recommended that it rely on national legislation. • A participant asked about a situation where an 11 year old rural child needs basic school supplies and can buy them only if he works in cotton harvest – and whether he should be prevented from doing so. Forced child labor can be forbidden but not all child labor.
6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention
<ul style="list-style-type: none"> • Climate Change: The Bank is active lately in raising issues, but the Standards are not very precise... there are lots of loopholes (e.g., says to conduct assessments “where appropriate” whereas it should always be mandatory). Reference was made to the proposed Climate Change policy submitted by a CSO consortium.
7. Environmental and Social Standard 4 (ESS4): Community Health and Safety
8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement
<p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • Social and resettlement issues are not up front/center during design: they are treated as “residual.” The Borrower agrees to follow Bank requirements, but in practice local governments are the ones who implement and they have no clue about Bank requirements. People look for loopholes – use different decrees to justify compensation but don’t refer to Bank policy. When signing a Loan Agreement, it is important to specify who has responsibility for compliance. • There is ambiguity of standards relating to involuntary resettlement and poverty; Bank Standards should include compensation for involuntary resettlement being made not by Government Agency but by the project;
9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources
10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples
<p><i>Recommendation:</i></p> <ul style="list-style-type: none"> • Indigenous Peoples Standard is not applicable in ECA: should substitute “minorities”
11. Environmental and Social Standard 8 (ESS8): Cultural Heritage
12. Environmental and Social Standard 9 (ESS9): Financial Intermediaries

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

Comments:

- ESS10 doesn't reflect engagement of civil society, especially NGOs.
- Grievance mechanisms/systems to review complaints; it would be good to have specific examples of how these have worked when Bank standards have been violated; reviewing such cases would provide information on what needs strengthening.