



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

Date: November 4, 2014

Location: Bishkek, Kyrgyz Republic

Audience: Government Representatives from Kazakhstan, Kyrgyz Republic, Tajikistan, Uzbekistan

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"> • In Kazakhstan, there was a Presidential decree in 2013 on transition to green economy; the country is developing aforestry program to 2020. It is important to preserve forests even though Kazakhstan doesn’t have much. It is moving away from past standard official approach to focus more on “indigenous population” of trees. So it seems the country is moving in the same direction as the Bank; Bank consultations helped provide guidance. Also, the country is trying to preserve other ecosystems such as Sachsal, and rehabilitating forest area with relict trees lost in the events of the 1990s. • It is hoped that the Bank will support Kyrgyz programs and strategies through the new Framework. • Re capacity building related to sustainable development: participant wished to know if the Bank would support a project for development of educational platforms (i.e., support integration of sustainability into curriculum). <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • Re concept of sustainable development: there is a need for wide stakeholder consultation. The Framework should clarify the role of civil society (in addition to roles of the Bank and Borrower). • Bank financing of project PIU – suggest that the Framework include a reporting form to instruct PIUs how to prepare reports for WB (as does EADB). • The Government of Kazakhstan noted that comments would be provided by email, including comments on ESS6 from the Ministry of Forestry and Env. Protection.
2. A Vision for Sustainable Development
3. World Bank Environmental and Social Policy

Clarifications:

- The Framework is a good document overall. A participant wished to know if there were criteria for the categorization of risk (High, Subst., Mod, Low).
- Para 18: the approach relating to “existing facilities” is too strict for the Borrower, for example, if in building a bridge (new construction), the existing access road does not meet Bank standards, would the Bank require the road to be upgraded to meet the standards because it falls within the same “project”? Or if a project only supports rehabilitation of part of a water system, does the Framework apply to the whole system? Or if a high risk project category is identified by the Bank, but subprojects are to be screened/classified by the Borrower, will the Bank also have to classify the subprojects to assign the risk categories?

Recommendations:

- Each ESS describes a grievance mechanism. The Framework should have one uniform requirement across all the standards, not multiple requirements (like Paragraph 23 of ESS5). Check the other ESSs to make sure they are clear and consistent.

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

Recommendations:

- Para 3: add at end of sentence: if project is of high/substantial risk, Borrower should give evidence that the project is supported by majority of the population.
- Para 9: should add: in case of significant environmental and social impacts of a project in the past, the Borrower and Bank will foresee possible remedial remedies.
- It should be added that the environmental and social assessment to be done should be based on scale of the investment.

5. Environmental and Social Standard 2 (ESS2): Labor and Working Conditions

Clarifications:

- A participant noted that in projects started this year, questions were raised re child labor. Participants wished to know the parameters of the Bank policy, i.e., what parameters would be assessed to determine whether there is child and/or forced labor.
- Uzbekistan has national legislation on child labor, and then there are international conventions. A participant sought clarification on what would be the approach if there is a conflict between them, and whether there are any provisions for harmonizing, resolving conflicts among national, international, and Bank requirements.
- Participants wished for clarification on the term “Project employee,” and whether this included contract workers.
- It is good to refer to national legislation. But participants wished to know if the policy applied to foreign workers, and if so, how. For example, Chinese contractors often pay workers back in China; in this case, it is difficult to know what influence the Borrower could have.

Recommendations:

- Para 8 (termination of employment): should include that people will be informed on timely basis about all due payments/compensations to be paid.

6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention

Comments:

- Participants wished to know how the Bank views implementation of the 2012 decisions on Rio+20 re Capacity Building, moving to green economy and community participation, and how local communities can be involved in Rio+20 implementation.

Clarifications:

- Participants sought clarification on whether there would be new requirements for Pest Management and for protection of beneficial insects, and whether there would be any changes regarding pesticide use.

7. Environmental and Social Standard 4 (ESS4): Community Health and Safety

Comments:

- Paragraphs 22-25. It was noted that national law contains requirement on hazardous activities, aside from Bank projects.

Clarifications:

- Para 15: road/traffic safety: Participants asked how the Borrower could be held responsible if a contractor develops the details and in process changes the design. In general, participants sought clarification on how the Borrower can be held responsible for work methods of consultants or contractors.

Recommendations:

- Dams Annex: The mining sector should have specific requirements; i.e., the Annex should provide details/requirements for mine tailings dams because of the risks.

8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement

9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources

Comments:

- It is good that ESS6 addresses both situations, that is, if a country has good national (certification) standards or if it does not. If a country does not have national standards (certification) it should work on them, with Bank assistance; this provides an incentive for formulation of good national standards in line with international standards.

Clarifications:

- ESS6 says the Bank will support only projects that do not degrade critical natural habitat. Participants sought clarification on what this is and how it is defined. Participants asked why the standard would not apply to all habitats as they can be in critical condition.
- Clarity is needed regarding offsets (where and when allowed).

Recommendations:

- There is a need to have some no go areas.

10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples

Clarifications:

- Language of para 20 should be clarified re involving communities in the consultative process. Clarify what is needed to build a consultative process, what participation in decision making means (i.e., should explain to communities that their comments will be heard and considered, but won't necessarily prevail).

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