



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

Date: November 18, 2014

Location: Dakar, Senegal

Audience: Civil Society Organizations (CSOs), Nongovernmental Organizations (NGOs), Private Sector and Academia

Number of Participants: 58

Overview:

Bank representatives welcomed Senegalese participants from CSOs, NGOs, private sector and academia. An overview of the process to date was provided followed by a presentation of the “Draft Environment and Social Framework: Setting Standards for Sustainable Development”.

Specific Feedback from Stakeholders
1. General Comments
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • Participants expressed their gratitude to see that gender issues were on the table and included in a more systematic manner in the new Framework. • There is a need for an independent system for evaluation of the reliability of national systems. • The standards provide too much leeway granted to the Borrower. • International commitments are not complied with in the standards (i.e., in terms of children, international convention on children rights, discrimination against women; they have all been ratified and supersede national regulation). • NGOs expressed their disagreement with some parts of the consultation process. They felt that not enough time was given to provide quality contributions, and the invitations were sent out with a very short time frame. • A participant expressed the intention to send a letter to the Bank President expressing disagreement with consultation process. <p><i>Clarifications:</i></p> <ul style="list-style-type: none"> • Participants expressed the need to clarify the role of civil society, project affected people and NGOs under the proposed Framework. • Participants wished to know if the Bank has involved borrowers in drafting these standards. • Clarification was sought on whether the standards are binding or just incentives. • Clarification was sought on the interaction of these standards and the rule of law.

- There are international conventions related to people living with disabilities. Participants wished to know why these conventions are not mentioned in the new Framework.

Recommendations:

- Need to include youth matters in a more prominent manner.
- Need to have harmonization of policies among donors.
- Need to have capacity building including civil society.
- Need to clearly address the concept of sustainability. Nothing can be done without communities. Involving partners like CSOs, NGOs and local communities is very important.
- Need to go beyond indemnification or compensation. Project affected people should participate in benefits.
- There is an issue if the Bank does not refer to international declarations and treaties. While improvements have been made, as a United Nations agency it should comply with the hierarchy of international standards.
- Need to clarify how Bank standards can prevail over national law. This is usually not the case and is therefore a major concern. There is confusion about setting the standards. The Bank should comply with national standards and not the other way around. Comply with what ISO is doing.
- Need to reflect on the balance between national law and customary law. When it is difficult to implement the law, customary law should be taken into account.
- It is recommended to have an initiative to guide NGOs and establish a partnership to improve efforts in the field.
- Need to address the role of the media in sensitization about and compliance with environmental and social standards, at the grassroots level as well as national and regional levels.
- Need to include traditional knowledge with regard to medicinal uses for communities.
- Avoid financing projects that are against traditional knowledge practices.
- Need for a stand-alone standard on climate change. There used to be 10+1 safeguards. Need to have the same now.
- Further explanation on procedures and guidelines that will accompany the standards is needed. It is not enough to be told that they are work in progress.
- Request to please share the outcome of this consultation before any approvals.

2. A Vision for Sustainable Development

Recommendations:

- Participants expressed their interest in including Human Rights in the Framework's vision.

3. World Bank Environmental and Social Policy

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

Comments:

- Safeguard documents are not being taken into account during implementation.
- After the project is closed, there is no one to turn to.

- Regarding social assessment: Concern of local communities on the issue of affirmative action. There is a fight against discrimination, but there is a problem when it comes to equal opportunities.

Clarifications:

- Need to have a comparison table on differences between prior safeguards categorization and new risk categorization.
- Participants expressed the need for clarification on the linkages between the ESCP, the stakeholders' engagement plan, and the environmental and social management plan.
- Questions were raised on how to address faith based inputs. Clarifications were sought on whether ESS provisions would prevail over faith based opinion, and on how ESSs will handle cultural differences.

Recommendations:

- Need to improve the methodology for assessing risk management. Particularly for environmental management. Should be a participatory system, and this should be the same for monitoring and evaluation.
- Need to let CSOs play a third party auditing role between the state, the borrower and the implementer. Not to be a mediator, but to provide alerts. It is important to remember that between the donor and the borrower there are the people.
- Further training on environmental and social assessments is needed. Training on the new standards will be highly needed. With regard to budget constraints, it will be important to know who will provide resources for capacity building.
- Need to handle sensitivity around the issue of sexual orientation so as not to have the opposite effect of what is intended.
- 15.5% of the population is disabled in Senegal. Disabled communities are not taken into consideration in Bank projects. Need to integrate disability to achieve truly inclusive development.
- Human Rights are a crosscutting issue. A development based approach needs to be based on human rights to bring awareness.
- CSOs should have an opportunity to participate in the process. There are roles for the Bank and for the borrowers but not for CSOs.
- Need to make sure that everyone's consent is obtained, including that of communities.

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

Comments:

- Participants expressed satisfaction for progress made by the Bank in including labor and working conditions and reflecting the concerns of workers.
- Items introduced on working conditions and child labor are very important, nevertheless improvements are needed.
- The Bank is not in line with some other regional banks (AfDB and EIB). In 2002 the Bank said it would implement labor standards and still has not done so.
- Latest report of doing business conflicts with some Bank procedures. Some countries have good classification socially even though social protection is low.

Clarifications:

- Participants sought clarifications on what policies would be developed for the creation of jobs for youth.

Recommendations:

- Principle of non-discrimination has been developed but discriminates between civil servants and non-civil servants. The standards should apply to civil servants.
- Bank needs to include equity on salaries, notion of decent salaries, decent wages, minimum wages and cost of living adjustments.
- Bank should require Borrowers to comply with ILO standards which should prevail over national law.
- Bank should introduce measures to formalize informal sector.
- Need to make reference to ILOs standards. Everything that is covered is in international standards. Need to clarify why references to international standards are not there and provide further clarity on national standards.
- Need to further address occupational health and safety. Protective measures should specify whether they are individual or collective.

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

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

Comments:

- No voluntary donation of land in Africa.
- Not enough changes from OP4.12. Concerns were expressed that the Bank is trying to protect itself by putting the Borrower in the “driver’s seat.”
- Concerns around the issue of different levels of compensation at the national level and different levels of compensation among MDBs.
- There is a problem with monitoring and supervision of compensation.
- Problem of compensation of people without title.

Clarifications:

- Clarification was sought on whether the Bank drops projects when disadvantages are determined to be greater than the benefits.

Recommendations:

- Need to include measures to address potential for land grabs.
- A resettlement plan should spell out conditions of resettlement. A private NGO usually develops that plan. As such this NGO/consultant is dependent on the Borrower. There can be manipulation of figures and the facts may not be faithfully transmitted to the Bank. Populations may be ill-treated while on paper they might be treated well. The Bank should have a mechanism in place for independent auditing or verification.
- In case of physical displacement, there are often entire communities displaced. Insufficient

<p>studies are done on resettlement sites. Need to resettle people in the best possible conditions with the full engagement of local populations.</p> <ul style="list-style-type: none"> • Bank needs to ensure assessment of post-resettlement livelihood restoration. • Need to go beyond compensation. More opportunities for income generating activities. Compensation is not an end in itself. Need for more to be done. • Bank needs to take into account costs and advantages of different resettlement sites.
<p>9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources</p>
<p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • Important to specify that the project should take into account safeguard strategies developed by the local communities. Policies exist but there are safeguards developed by the population itself, and projects should take into account such strategies. • Need for more detail on resilience/climate change adaptation. • Need for a process of involving local communities so that they will be prepared to manage productive resources and natural resources. • Resilience to disaster, climate change and conflicts need to be addressed in this ESS.
<p>10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples</p>
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • Ethnic minorities compared to what? Depends on the area, the site. <p><i>Clarifications:</i></p> <ul style="list-style-type: none"> • On FPIC: participants sought clarification on how the Bank would ensure that communities had indeed provided their “informed” consent. <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • Need to have a clear definition for Indigenous Peoples, including particularities of African context.
<p>11. Environmental and Social Standard 8 (ESS8): Cultural Heritage</p>
<p><i>Clarifications:</i></p> <ul style="list-style-type: none"> • Participants sought clarification on intangible heritage, In particular, they wished to know if it is also part of this standard and in what manner.
<p>12. Environmental and Social Standard 9 (ESS9): Financial Intermediaries</p>
<p>13. Environmental and Social Standard 10 (ESS10): Information Disclosure and Stakeholder Engagement</p>
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • It is a good thing to have grievance mechanisms but it is important to know what measures have been developed to ensure that government will follow up. <p><i>Clarifications:</i></p> <ul style="list-style-type: none"> • Participants wished to know to what extent the Bank is ready to support CSOs in terms of citizen participation. Community voices need to be taken into account. • Clarification is needed on definition of “meaningful consultation.” <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • Need to include people who are impacted negatively by projects in consultation process.

- Participants wished to know at what point the ESCP is implemented. Need to ensure participation of Indigenous Peoples and project affected people, as well as civil society, during preparation and implementation.
- Need to take into account the issue of groups that falsely represent local communities. There is a need to clarify how representatives of local communities can express their views.
- Dissemination of information needs to be done in an accessible way for the population. There is a need to clarify how such communities can adequately participate in the FPIC process if they do not have enough information. Also need to translate into local languages.
- Participants wished to know who can play an independent role if all responsibilities lie with the Borrower and the Bank. There is a need to include CSOs and NGOs with an auditing role.
- Prior consent should be given by communities, but not at the time of implementation.
- Information should be disseminated in local languages. It is important to ensure that the population really understands the information.
- Help should be provided so that inequalities can be corrected if people's interests are jeopardized.

Bank representatives thanked participants for their valuable insights and encouraged them to submit further comments via: <https://consultations.worldbank.org/forums/forum-review-and-update-world-bank-safeguard-policies>

Additional information including links to the policies, annexes, fact sheets on the Framework and Q&A can be found at the World Bank Safeguards Consultations site: <http://consultations.worldbank.org/consultation/review-and-update-world-bank-safeguard-policies>