



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

Date: November 12, 2014

Location (City, Country): Oslo, Norway

Audience (Government, CSO, etc.): Regional Civil Society

Overview and Key Issues Discussed:

Bank representatives welcomed the participants present in Oslo. They 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. For purposes of conciseness, the following summary highlights comments and recommendations that were provided by individual representatives; collective comments and recommendations are noted as such.

Specific Feedback from Stakeholders
<p>1. General Comments</p> <p><i>Comments:</i></p> <ul style="list-style-type: none"> • The draft Framework should not only focus on policies, but also address the need for accountability mechanisms. • There is a general feeling that that the World Bank was “abdicating” its role with the proposed safeguards with “less coverage” and that the Bank would provide “less oversight” with the new policies. • How can the bank provide better consistency in the application of Safeguards (e.g., Investment Lending, DPLs, P4R, etc.)? Will any of the on-going reviews improve consistency in application of the safeguards across the instruments? • When will be able to comment again on the next version of the safeguards. There was also concern raised that the procedures (still to be developed) would not be open to discussion. <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • The commenters noted that there was inconsistent language throughout. In some cases the ESSs use the word “may/shall/should”; in other instances, the ESSs use “where applicable”. • Disabilities should be more prominently mainstreamed/included throughout the policies, as disability is a cross-cutting issue. “Persons with disabilities” should be specifically defined using the definition used in the UN Convention on the Rights of Persons with Disabilities. • The Bank should ensure systematic, cross-cutting integration of children with disability throughout all safeguards. Children with disabilities are often regarded as inferior and this exposes them to increased vulnerability. • The Bank should implement the Child Rights and Business Principles (CRBP) into its Safeguards policies. The CRBP could used as a guide for the new Safeguards policies and contribute to ensuring a holist approach for the Bank to children’s rights.

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2. A Vision for Sustainable Development
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • The Bank should respect Article 55 of the UN Charter. • There needs to be a clearer definition of “due consideration” that is provided to indigenous and other vulnerable groups. From the perspective of LGBT groups, the clause is vague and might be used by Borrowers to implement the policy other than originally intended by the Bank. <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • The Bank should clearly state that it will not finance projects or activities where there have been human rights violations. • The Bank should go further and ensure that it undertakes a human rights due diligence to assess project-specific risks and address them.
3. World Bank Environmental and Social Policy
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • As the Bank moves away from front-loading safeguards, it appears that the Bank is abdicating its role. <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • The ESG and ESSs should include the UNCTAD Guidelines [for Consumer Protection].
4. Environmental and Social Standard 1 (ESS1): Assessment and Management of Environmental and Social Risks and Impacts
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • With the proposed phased approach, an ESIA may not be complete at Board approval; without knowing the full scope of a project, how can the Board discuss and approve a project? Where will there be room for comment?
5. Environmental and Social Standard 2 (ESS2): Labor and Working Conditions
<p><i>Comment:</i></p> <ul style="list-style-type: none"> • The commenters welcomed the Bank’s aim to protect all workers, including children of working age, and avoid forced and child labor under ESS2. In addition, they welcomed the recognition that children under the age of 18 can work, but emphasized that this must exclude hazardous work. Simply banning child labor from the supply chain is not in the best interest of children. • This ESS should cover contract, sub-contracted or third-party works equally and should also include collective bargaining. Specifically, the provisions around force and child labor should be extended to all contractors and suppliers associated with the project. <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • The right for workers to organize is an important issue that needs to be better addressed in the ESS. The Labor ESS should cover contract workers and subcontractors equally and should also include collective bargaining. The ESS should build upon what is present in the national legal framework and ILO Standards. • Issues regarding child labor will need careful risk assessment and monitoring, as simply

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banning child labor in the supply chain may push children into more hazardous lines of work.
6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention
<p><i>Comment:</i></p> <ul style="list-style-type: none"> • In the 1990s, the Bank led the IFIs with the creation of new Safeguards policies. Now the other IFIs have surpassed the Bank. • The Bank is not leading on the issue of climate change with a separate ESS; won't the other IFIs see this and further dilute the Bank's position?
7. Environmental and Social Standard 4 (ESS4): Community Health and Safety
<p><i>Comment:</i></p> <ul style="list-style-type: none"> • The ESS lacks detail in terms of how impacts on vulnerable groups shall be examined in social assessments. It is not clear whether unique impacts on children will have to be considered separately from impacts on other vulnerable groups. <p><i>Recommendation:</i></p> <ul style="list-style-type: none"> • The term "vulnerable groups" should be properly defined and children must be addressed specifically in ESS4 and ESS5 to ensure their unique needs are protected in situations where they may be displaced by a project or where a project may pose a threat to their health.
8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement
<ul style="list-style-type: none"> • The policy should specifically cover land titling and land use planning.
9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • The new Biodiversity ESS is a dilution of the OP on Natural Resources and Forests. There is less coverage of ecosystems functions, little recognition of the importance of habitats to local economies. Offsets are allowed in all habitats under the current draft. Critical habitats are too narrowly defined and the draft ESS allows for conversation and degradation of all habitats. This in conjunction with the wording in ESS7 create loopholes that will be devastating to Indigenous Peoples. • The draft ESS reads as if the Bank is opening up protected areas to logging. • It appears that in-depth certification is no longer needed as part of this ESS. <p><i>Comments:</i></p> <ul style="list-style-type: none"> • The definition in Footnote 13 regarding "Credible certification" needs to be revised. • Also, there was a question regarding the specifics on sustainable forestry.
10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • It is important that the Bank included human rights in the ESS on Indigenous Peoples. • The Bank should further align itself with the UN Declaration on Indigenous Peoples, particularly with respect to forced evictions. • At the same time, there were was an overarching concern amongst the majority of the

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<p>speakers that the “alternative approach” was really an “opt-out” for using the policy. Many speakers requested that the Bank drop the approach from the ESS, but rather rely on full application of the policy in all cases. Some speakers foresee the alternative approach having a chilling effect on African countries developing their own internal laws and policies.</p> <p><i>Recommendations:</i></p> <ul style="list-style-type: none"> • The current draft fails to require adequate assessment of national laws to meet the standards of the ESS in practice. The ESS should be written to indicate that the higher standard will be upheld during project implementation. • In the view of one commenter, FPIC should cover land, natural resources and cultural heritage. Currently it only covers land. • The Bank should adopt the “Tirana Declaration” regarding land grabs and should also tighten the language in the ESS, as it is vague. • FPIC – the ESS should clearly mention the internationally accepted legal definition.
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
<ul style="list-style-type: none"> • Concern was raised about the lack of detail on how impacts would be assessed. Will children be assessed separately?