



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

Date: January 15, 2015

Location (City, Country): Bridgetown, Barbados

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

Specific Feedback from Stakeholders

1. General Comments

Comments and Recommendations

- There is concern that the new Framework will require a **larger amount of resources** than the current safeguard policies, and whether there is availability of such resources in the Bank and in borrower countries.
- There is concern that the Environmental and Social Framework only applies to Investment Project Financing and **not to other World Bank lending instruments such as Development Lending or Program for Results.**
- The Bank's environmental and social policies should be grounded in a **rights-based approach rather than a risk-based approach.** In this sense, the Framework should integrate the language of the various **United Nations human rights conventions**, and particularly the United Nations Declaration on the Rights of Indigenous Peoples.
- The participants asked for a **more cross-cutting treatment of the issue of gender** in the Framework.
- The Framework should explicitly ensure that all World Bank projects take into consideration the **barriers of access for people with disabilities.**

- Some of the requirements in the new Framework are **too onerous** for Borrower countries to implement.

Questions

- Participants asked how the new Framework will be rolled out and the specific plans for the **transition from the current safeguards policies**.

2. A Vision for Sustainable Development

N/A

3. World Bank Environmental and Social Policy

N/A

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

Comments and Recommendations

- The inclusion of gender within vulnerable or disadvantaged groups is problematic given that **women are not always vulnerable or disadvantaged**, but still need dedicated policies.
- While the current safeguards policies clearly establish that the environmental and social assessments must be carried out before appraisal, the new Framework **does not provide a clear timeline for the preparation of environmental and social assessments**.
- The Framework should include amongst the disadvantaged and vulnerable **people living with HIV/AIDS**.

Questions

- Participants sought clarification on how the Bank will apply paragraph 26 in ESS1 in **circumstances in which borrower country legislation is inherently discriminatory**.

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

<p><i>Comments and Recommendations</i></p> <ul style="list-style-type: none"> ESS 2 should contain language specifically protecting individual contractors working on World Bank financed projects.
<p>6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention</p>
<p>N/A</p>
<p>7. Environmental and Social Standard 4 (ESS4): Community Health and Safety</p>
<p><i>Comments and Recommendations</i></p> <ul style="list-style-type: none"> The Framework should consider communicable diseases, and make specific reference to HIV/AIDS.
<p>8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement</p>
<p>N/A</p>
<p>9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources</p>
<p>N/A</p>
<p>10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples</p>
<p><i>Comments and Recommendations</i></p> <ul style="list-style-type: none"> ESS 7 should make specific reference to the United Nations Declaration on the Rights of Indigenous Peoples and have a rights-based rather than a risk-based approach. The alternative approach will open a space for violations of indigenous peoples' rights by effectively giving States the option not to recognize indigenous peoples. Free, prior, and informed consent should not be limited to the three circumstances described in ESS7, but should be considered a fundamental right of indigenous peoples and applied in a cross-cutting manner.

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
<p><i>Comments and Recommendations</i></p> <ul style="list-style-type: none"> • The World Bank should promote capacity building for civil society organizations to be able to actively participate in all phases of the project cycle. • In general terms, participants emphasized the need for more specific language related to civil society’s wider engagement in project design, implementation, and monitoring and evaluation. And explore how to incorporate the views of CSOs from the first engagement with the Government when tailoring the Country Partnership Framework. • There is concern that the Framework does not require projects to allocate resources specifically for consultation and participation. • ESS10 should require the borrower to explain, in a systematic way, the rationale behind the decision to integrate or not integrate feedback received during consultation meetings in project design. <p><i>Questions</i></p> <ul style="list-style-type: none"> • How will the World Bank consult with groups that are actively discriminated against in certain countries? For example, how will the World Bank ensure that the government of a country where homosexuality is illegal consults with stakeholders on SOGIE issues? • Participants asked what means of engagement does civil society has in approaching the World Bank in a particular country.

Annex I

Comments of Indigenous Peoples of the Caribbean on the World Bank's Environmental and Social Framework – and proposed safeguards for Indigenous Peoples (ESS7: Indigenous Peoples)

Barbados- January 15, 2015

1. We the Indigenous participants at this Civil Society Caribbean Consultation meeting held in Barbados on the 15th of January 2015 have thoroughly reviewed the Draft World Bank's Environmental and Social Framework and comments made by other Indigenous Peoples and organizations around the world, which have been submitted to the World Bank. We are categorically supportive of these contributions and recommendations. For example, the Comments on the World Bank proposed Safeguards for Indigenous Peoples (ESS7: Indigenous Peoples) and the Environmental and Social Policy and associated Environmental and Social Standards (1-10) produced by the Asian Indigenous Peoples Pact and the Forest Peoples Programme. Also others produced by the Indian Law Resource Centre; and the special procedures mandate-holders of the United Nations Human Rights Council. We urge the World Bank to adapt these recommendations and incorporate them into the Safeguards Document, to ensure that Indigenous Peoples rights are not violated by projects funded by the Bank.

Furthermore we want to reiterate the following:

2. We consider that the current Draft of the World Bank policy requirements for Indigenous Peoples, specifically ESS7 will regress the recognition of Indigenous Peoples rights; as no reference is made to use the UNDRIP and other International Law as the minimum standards for projects affecting Indigenous Peoples rights. We therefore urge the Bank to revise its Draft Policy requirements, specifically ESS7 and ensure that it is in compliance with Indigenous Peoples internationally recognized rights.
3. In most of the Caribbean countries Indigenous Peoples are a minority and continue to suffer from discrimination and marginalization, which are human rights violations. For that reason it is imperative that the World Bank strengthens its environmental and social safeguards and ensure that any project financed by the Bank, doesn't further those violations.

4. The right to Free, prior and informed consent and the right to full and effective participation in decision-making and development processes that affect them, are fundamental rights of Indigenous Peoples, affirmed by International Human rights Law. The Bank has an obligation to comply with these rights at all times and not limited to specific contexts. In our region, domestic courts have affirmed FPIC as a fundamental right to Indigenous Peoples and their development¹.
5. Both the borrower and the Bank have the legal obligation to adhere to International Law that has recognized Indigenous Peoples rights.
6. The Bank must recognize that some protected areas have been declared on Indigenous Peoples territories, excluding them from having access to their traditional lands and resources. Therefore we urge the Bank to include in ESS6 the rights of indigenous communities to their traditional lands and territories, including those where protected areas have been declared.

1. For example- reference to SATIIM Vrs. Attorney General of Belize, 2013.