



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

Date: December 5, 2014

Location: Patna, India

Audience: CSOs

Overview and Key Issues Discussed: Key issues discussed include weak local capacity; labor; waste management; land; vulnerable people; FPIC; and operationalization of stakeholder engagement.

Specific Feedback from Stakeholders
1. General Comments
<p><i>Comments:</i></p> <ul style="list-style-type: none"> • Clarification was sought on how the Bank addresses the public health and education sector in general. • Specific questions were raised on an Integrated Coastal Zone Management Project, including inclusiveness, scientific analysis and compensation. <p><i>Clarifications</i></p> <ul style="list-style-type: none"> • Clarification was sought on how the Bank will address a project with legacy issues where past promises were not kept. <p><i>Comments and recommendations</i></p> <ul style="list-style-type: none"> • India's Disaster Management Act came into effect in 2008 and a number of relevant policy changes are taking place. The Bank should take this into consideration and address disaster risk management. • In any social sector projects in India, the accountability on the part of the borrower is missing. The Framework should address this. • The Bank should also address project impacts on community resources. • The gender division of work should be considered. • It should be clarified whether the Framework will incorporate state level policies into its standards. • The Bank should fund NGOs' projects directly, not via the government.
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
<p><i>Comments and recommendations</i></p> <ul style="list-style-type: none"> • The EIA should be conducted in a transparent manner, and should be disclosed before the actual project starts. • The capacity of local consultants to conduct ESIA is not sufficient. Also, the timeframe given to them is too short to collect all the necessary baseline data. EA is heavily loaded. For example, the national act on land acquisition provides a detailed methodology on how to achieve consent of affected people. All these works are left to the EA manager.
5. Environmental and Social Standard 2 (ESS2): Labor and Working Conditions
<p><i>Comments and recommendations</i></p> <ul style="list-style-type: none"> • There are a number of migrant workers engaged in Bank-financed projects. ESS2 should have a special mechanism for the protection of migrant workers. • In the proposed Framework, the right to organize labor unions is very weak. The right to collective bargaining should be also strengthened. The Indian labor law of 1947 has no mention on collective bargaining, but the government is currently in the process of changing it. • Children are often involved in family business or community projects. It should be clarified how ESS2 addresses this type of work involving children. • Child labor should be clearly defined. • Some contractors encourage workers to use tobacco and drink so that they will work longer hours. This should be addressed.
6. Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention
<p><i>Comments and recommendations</i></p> <ul style="list-style-type: none"> • ESS3 should have special requirements on the protection of and compensation for sensitive zones against pollution. • The Bank should be aware that there is a gap between local legislation and the Framework regarding waste management. • The Bank should take into consideration that local governance is very weak.
7. Environmental and Social Standard 4 (ESS4): Community Health and Safety
<p><i>Clarifications</i></p> <ul style="list-style-type: none"> • Clarification was sought on how the Framework will address the risk in which an upstream hydro dam, such as in Nepal or China, collapses from natural disaster or insurgency and what would be done if it washed out the communities in the downstream country.

<p><i>Comments and recommendations</i></p> <ul style="list-style-type: none"> • “Smoke-free” environment and non-communicable diseases should be also addressed in ESS3.
<p>8. Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement</p>
<p><i>Clarifications</i></p> <ul style="list-style-type: none"> • Clarification was sought on which standard on land issues will prevail when there is a gap between national law and the Framework. • Clarification was sought on how the Framework will address lease transactions. <p><i>Comments and recommendations</i></p> <ul style="list-style-type: none"> • In voluntary land donation, it is important to ensure informed consent of the affected persons. The Bank should verify if such consent exists. • When compensation is not land-based, the Bank should allow for an option of compensation in the form of an annuity or pension, from the perspective of sustainability.
<p>9. Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources</p>
<p><i>Comments and recommendations</i></p> <ul style="list-style-type: none"> • The Framework should address the protection of ecological services.
<p>10. Environmental and Social Standard 7 (ESS7): Indigenous Peoples</p>
<p><i>Clarifications</i></p> <ul style="list-style-type: none"> • It should be clarified what consent in FPIC means and how it is achieved. <p><i>Comments and recommendations</i></p> <ul style="list-style-type: none"> • The definition of Indigenous Peoples should be clearly provided. • When the project uses Indigenous Peoples’ cultural heritage for commercial purposes, proper benefit sharing should be ensured. • In India there are a number of places without the presence of Indigenous Peoples. However, the vulnerability is very high in the country. Vulnerable people should be also included in ESS7. • FPIC should be legally recorded in line with the national land acquisition act of India.
<p>11. Environmental and Social Standard 8 (ESS8): Cultural Heritage</p>
<p>N/A</p>
<p>12. Environmental and Social Standard 9 (ESS9): Financial Intermediaries</p>
<p>N/A</p>

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

Comments and recommendations

- Project-affected people do not know who is financing the project. Thus they don't know whom to approach for their grievance. The mechanism for engagement with stakeholders should be **operationalized** and strengthened at the ground level.
- At the project level, there is usually no capacity for handling **grievances**. The Bank should build the capacity of state and local government, contractors and others for grievance redress. The Bank should also introduce a **mediator** for dispute resolution.
- The disclosure of information should be made in **local language**. The district information center can be used for information disclosure at the local level.