



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

Date: November 3, 2014

Location (City, Country): Dar-es-Salam, Tanzania

Audience: Governments of Tanzania, Kenya and Uganda

Overview and Key Issues Discussed:

Specific Feedback from Stakeholders
<p>1. General Comments</p> <p><i>Comments</i></p> <ul style="list-style-type: none"> • A participant referred to the Millennium Development Goals and the evolving process of preparing the Sustainable Development Goals. The participant sought clarification on how that process of developing SDGs dovetails with the Bank’s proposed framework as well as the many UN Conventions and legal instruments that have been adopted to date. • A participant expressed concern that the proposed framework may overburden governments with unimplementable policies. • A participant complained that the consultation meeting was “not well prepared” and that the documents had been received only recently. • A participant noted that a previous World Development Report had singled out aid coordination, a programmatic approach to development and monitoring and evaluation systems as critical. The participant asked if the Bank was living true to these messages in its own report. • A participant wondered why Civil Society Organizations were invited to a separate meeting with the Bank instead of joining their Government counterparts in the same meeting. The participant noted that the Tanzanian government routinely cooperated with CSOs.
<p>2. A Vision for Sustainable Development</p> <p><i>Clarification</i></p> <ul style="list-style-type: none"> • A participant wished to know why the framework recommends compliance with whichever is the more stringent standard in regard to environmental health and safety. <p><i>Recommendation</i></p> <ul style="list-style-type: none"> • A participant noted the mention of equity in the vision statement and asked that the provisions of national law be taken into account with regard to the issue of sexual orientation.
<p>3. World Bank Environmental and Social Policy</p>

Specific Feedback from Stakeholders
4. <i>Environmental and Social Standard 1 (ESS1): Assessment and Management of Environmental and Social Risks and Impacts</i>
<p><i>Comments</i></p> <ul style="list-style-type: none"> • A participant expressed concern at the lack of prominence of gender issues in the framework, noting that in consultations, women’s voices were often unheard and decrying the low priority often given to social issues. • A participant referred to the tendency to ring-fence the issue of Indigenous Peoples so that when the concerns of a particular community have been addressed, a small group can reopen the discussion, thereby upending the agreement earlier reached. • A participant noted the delay in implementing the REDD+ process in Kenya. <p><i>Clarifications</i></p> <ul style="list-style-type: none"> • A participant enquired how gaps in the borrower systems would be addressed. • Clarification was sought on the difference between Strategic Environmental and Social Assessment as well as Environmental Impact Assessment and the specific situations in which each may be prepared under the proposed framework.
5. <i>Environmental and Social Standard 2 (ESS2): Labor and Working Conditions</i>
<p><i>Comments</i></p> <ul style="list-style-type: none"> • A participant welcomed the flexible approach to safeguards compliance embedded in the proposed draft. <p><i>Recommendations</i></p> <ul style="list-style-type: none"> • A participant recommended that the Bank consult with the International Federation of Consulting Engineers (FIDIC) regarding the labor standard, particularly as that would apply to road sector construction projects. The participant noted that it is the responsibility of the employer to instruct a contractor regarding who to employ.
6. <i>Environmental and Social Standard 3 (ESS3): Resource Efficiency and Pollution Prevention</i>
7. <i>Environmental and Social Standard 4 (ESS4): Community Health and Safety</i>
<p><i>Comments</i></p> <ul style="list-style-type: none"> • A participant asked whether paragraph 19 of ESS 4 may be considered sufficient in the event of an Ebola-like situation.
8. <i>Environmental and Social Standard 5 (ESS5): Land Acquisition, Restriction on Land Use and Involuntary Resettlement</i>
<p><i>Comments</i></p> <ul style="list-style-type: none"> • A participant noted that land is ‘public’ in Tanzania and that every Tanzanian has the right to land. The participant noted that under Tanzanian law, anyone whose rights to land are impacted may be paid compensation at market value as well as resettlement allowance for up to 36 months. • A participant welcomed the proposed use of country systems when such systems are appropriate.

Specific Feedback from Stakeholders
<ul style="list-style-type: none"> • A participant asked whether borrowers can receive assistance from the Bank when they are faced with a resettlement situation but without the money to pay compensation.
<p>9. <i>Environmental and Social Standard 6 (ESS6): Biodiversity Conservation and Sustainable Management of Living Natural Resources</i></p>
<p>10. <i>Environmental and Social Standard 7 (ESS7): Indigenous Peoples</i></p> <ul style="list-style-type: none"> • A participant noted that some countries in the region have adopted progressive national constitutions that recognize and protect the rights of Indigenous Peoples. Kenya has made a lot of progress on the issue. The participant however expressed concern regarding the leadership of Indigenous Peoples groups who sometimes did not genuinely represent the views of Indigenous Peoples. • A participant appreciated the recognition and clarity around the use of borrower systems in the proposed framework. • A participant noted the Government’s appreciation of the dialogue. However, many of the Government participants that would have participated were engaged in another meeting and therefore the participant requested more time to conduct internal consultations before submitting comments to the Bank in writing. The participant noted that the issues raised are complex and that the Government had taken the position that there are no Indigenous Peoples in Tanzania. Also, Tanzania’s approach to land tenure whereby all land is public differs from other countries where freehold tenure predominates. • A participant questioned how Tanzania had been involved in the consultation process to date, if at all. The participant asserted that ESS7 is not relevant to Tanzania and that there had been extensive consultations with the Bank on the issue. The participant insisted that even the ‘alternative approach’ clause is not applicable to Tanzania since there are no Indigenous Peoples in the country. • A participant explained the structure of the Tanzanian government and the approach that it follows in consulting stakeholders from the grassroots all the way up to the national level. It was asserted that ESS 7 should not apply in Tanzania and that the approach followed by the Government in reaching out to stakeholders constitutes ‘meaningful consultation’. • A participant asked whether World Bank safeguards would apply to Chinese investments considering the prominent role of Chinese firms in the region, especially in infrastructure construction. • A participant noted the recognition of pastoralists in ESS7 and that this was inconsistent with the national constitution. The participant commented that through ESS7, the Bank was attempting to globalize a standard that cannot be globalized by the very nature of the diversity of borrowers. <p><i>Clarifications</i></p> <ul style="list-style-type: none"> • A participant was of the view that the ‘alternative approach’ proposed in ESS 7 may end up becoming the predominant approach. Clarification was sought on what the minimum requirements for the alternative approach are. <p><i>Recommendations</i></p>

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<ul style="list-style-type: none"> • A participant recommended that the safeguard update process be accompanied by a clear communication strategy. • A participant noted that Indigenous Peoples are a minority group in Uganda and that the national constitution has defined who Indigenous Peoples are. It was recommended that the use of other terminology other than “Indigenous Peoples” should be used. • A participant noted the importance of recognizing that Indigenous Peoples need to be protected and recommended that grievance redress mechanisms be elevated in prominence. • It was also suggested that alternative dispute resolution mechanisms be incorporated into project grievance processes as well as traditional systems of justice. • A participant made the point that some positions taken by regional bodies such as the African Union may not be consistent with the desires and positions of individual countries. It was suggested that it may be prudent to recommend compliance with minimum standards and not be overly prescriptive since national circumstances vary. • It was suggested that the “exhaustion of local remedies” be a prerequisite before affected people invoke other mechanisms of accountability.
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