



Review and Update of the World Bank's Environmental and Social Safeguard Policies
Phase 3
Feedback Summary

Date: February 16, 2016
Location: Tegucigalpa, Honduras
Audience: Multistakeholders

ESF	Issue	Items	Feedback
Vision	Human Rights	<ul style="list-style-type: none"> Approach to human rights in the ESF 	<ul style="list-style-type: none"> The human rights approach is reflected in the policy, but the discretionary language should be eliminated.
ESP/ ESS1	Non-discrimination and vulnerable groups	<ul style="list-style-type: none"> Explicit listing of specific vulnerable groups by type/name (age, gender, ethnicity, religion, physical, mental or other disability, social, civic or health status, sexual orientation, gender identity, economic disadvantages or indigenous status, and/or dependence on unique natural resources) Specific aspects of the non-discrimination principle in complex social and political contexts, including where recognition of certain groups is not in accordance with national law 	<ul style="list-style-type: none"> It was proposed that projects would consider a minimum percentage of workers to be contracted that would represent minority groups.
	Use of Borrower's Environmental and Social Framework	<ul style="list-style-type: none"> Role of Borrower frameworks in the management and assessment of environmental and social (E&S) risks and impacts where these will allow projects to achieve objectives materially consistent with Environmental and Social Standards (ESSs) 	

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		<ul style="list-style-type: none"> • Approach for making decision on the use of Borrower frameworks, including the methodology for assessing where frameworks will allow projects to achieve objectives materially consistent with the ESSs, and the exercise of Bank discretion • Role of Borrower frameworks in high and substantial risk projects 	
	Co-financing/ common approach	<ul style="list-style-type: none"> • Arrangements on E&S standards in co-financing situations where the co-financier's standards are different from those of the Bank 	
	Adaptive risk management	<ul style="list-style-type: none"> • Approach to monitoring E&S compliance and changes to the project during implementation 	
	Risk classification	<ul style="list-style-type: none"> • Approach to determining and reviewing the risk level of a project 	
ESS1	Assessment and management of environmental and social risks and impacts	<ul style="list-style-type: none"> • Assessment and nature of cumulative and indirect impacts to be taken into account • Treatment of cumulative and indirect impacts when identified in the assessment of the project • Establishing project boundaries and the applicability of the ESSs to Associated Facilities, contractors, primary suppliers, FI subprojects and directly funded sub-projects • Circumstances under which the Bank will determine whether the Borrower will be required to retain independent third party specialists 	<ul style="list-style-type: none"> • Impact assessments should be made public, in accessible formats, free of cost for digital versions, regardless of whether national legislation requires transparency of assessments (Principle 10 Rio Declaration)
	Environmental and Social Commitment Plan (ESCP)	<ul style="list-style-type: none"> • Legal standing of the ESCP and implications of changes to the ESCP as part of the legal agreement 	<ul style="list-style-type: none"> • Environmental and Social Commitment Plans should be made publicly available
ESS2	Labor and working conditions	<ul style="list-style-type: none"> • Definition and necessity of and requirements for managing labor employed by certain third parties (brokers, agents and intermediaries) • Application and implementation impacts of certain labor requirements to contractors, 	<ul style="list-style-type: none"> • It was proposed that labor-based migration would be considered.

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		<p>community and voluntary labor and primary suppliers</p> <ul style="list-style-type: none"> • Constraints in making grievance mechanisms available to all project workers • Referencing national law in the objective of supporting freedom of association and collective bargaining • Operationalization of an alternative mechanism relating to freedom of association and collective bargaining where national law does not recognize such rights • Issues in operationalizing the Occupational Health and Safety (OHS) provisions/standards 	
ESS3	Climate change and GHG emissions	<ul style="list-style-type: none"> • The relation between provisions on climate change in the ESF and broader climate change commitments, specifically UNFCCC • Proposed approaches to measuring and monitoring greenhouse gas (GHG) emissions in Bank projects and implications thereof, in line with the proposed standard, including determining scope, threshold, duration, frequency and economic and financial feasibility of such estimation and monitoring • Implications required for the Borrower of estimating and reducing GHG emissions for Bank projects, in line with the proposed standard 	<ul style="list-style-type: none"> • In accordance with the spirit of the Paris Accord and Rio Declaration, GHG emissions estimates and reports should be made public
ESS5	Land acquisition and involuntary resettlement	<ul style="list-style-type: none"> • Treatment and rights of informal occupants and approach to forced evictions in situations unrelated to land acquisitions • Interpretation of the concept of resettlement as a “development opportunity” in different project circumstances 	<ul style="list-style-type: none"> • It was suggested that the title of ESS5 should be changed from “Involuntary Resettlement and Land Acquisition” to “Planned Resettlement and Land Acquisition”. • Concern was expressed on the use of the concept of involuntary resettlement as well as FPIC, with special emphasis on who provides the financial resources.

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			<ul style="list-style-type: none"> • Maintaining the recognition of the rights of non-title holders in ESS5 is considered as important. • Clarification was requested on whether under ESS5 access to basic services is needed in resettlement sites. • It was recommended that within the resettlement policy, the process of Free, Prior and Informed Consent (FPIC) with indigenous communities, information dissemination and grievance redress mechanisms are made in the language of displaced indigenous communities. • Displacement by induced impacts must be considered within ESS5. For example, when agribusinesses are financed, capital is injected to companies and then these exert pressure on the land. This, combined with the prevailing conditions of poverty, small producers are basically forced to sell their land. In this regard some mechanisms used to mitigate these impacts have been the inclusion of medium and small producers in larger-scale agribusinesses, land-related regulations, and inclusion of economic benefits to communities. • It will be important to include in the environmental analysis potential project impacts on access to natural resources. • It was noted with concern that the Government keeps decreasing public investment and looks for private financing which do not follow adequate E&S standards and practices.
ESS6	Biodiversity	<ul style="list-style-type: none"> • Operationalization of the provisions on primary suppliers and ecosystem services, especially in situation with low capacity • Role of national law with regard to protecting and conserving natural and critical habitats 	

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		<ul style="list-style-type: none"> • Criteria for biodiversity offsets, including consideration of project benefits • Definition and application of net gains for biodiversity 	
ESS7	Indigenous Peoples	<ul style="list-style-type: none"> • Implementation of the Indigenous Peoples standard in complex political and cultural contexts • Implementation of ESS7 in countries where the constitution does not acknowledge Indigenous Peoples or only recognizes certain groups as indigenous • Possible approaches to reflect alternative terminologies used in different countries to describe Indigenous Peoples • Circumstances (e.g. criteria and timing) in which a waiver may be considered and the information to be provided to the Board to inform its decision • Criteria for establishing and implementation of Free, Prior and Informed Consent (FPIC) • Comparison of proposed FPIC with existing requirements on consultation • Application of FPIC to impacts on Indigenous Peoples' cultural heritage 	<ul style="list-style-type: none"> • There was a discussion on the inclusion within the World Bank's OP 4.10 policy on the term "Afro-descendant" people that are not indigenous by their history and origin. This concern was expressed because in Honduras, recognition to the people of African descent already exists, but not in other LCR countries. • The Bank was praised by the inclusion of FPIC. • For the implementation of the FPIC, getting to know, use and recognize the existing indigenous communities' mechanisms for consultations was recommended. • Clarifications with regard to the mechanisms of dispute related to the definition of indigenous peoples were requested. • It was noted that projects normally focus on their potential entrance on indigenous lands and if they do, highlight the social impacts on indigenous land, but there is not sufficient emphasis overall on projects' economic benefits to IPs.

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ESS8	Cultural Heritage	<ul style="list-style-type: none"> • Treatment of intangible cultural heritage • Application of intangible cultural heritage when the project intends to commercialize such heritage • Application of cultural heritage requirements when cultural heritage has not been legally protected or previously identified or disturbed 	
ESS9	Financial Intermediaries	<ul style="list-style-type: none"> • Application of standard to FI subprojects and resource implications depending on risk • Harmonization of approach with IFC and Equator Banks 	
ESS10	Stakeholder engagement	<ul style="list-style-type: none"> • Definition and identification of project stakeholders and nature of engagement • Role of borrowing countries or implementing agencies in identifying project stakeholders 	
General	EHSG and GIIP	<ul style="list-style-type: none"> • Application of the Environmental, Health and Safety Guidelines (EHSGs) and Good International Industry Practice (GIIP), especially when different to national law or where the Borrower has technical or financial constraints and/or in view of project specific circumstances 	<ul style="list-style-type: none"> • Voluntary Principles on Security and Human Rights, the Montreux Document and the ICoC for Security Providers should be used by loan and investment recipients as a safeguard against human rights abused by contracted and sub-contracted security agents
	Feasibility and resources for implementation	<ul style="list-style-type: none"> • Implementation and resource implications for Borrowers, taking into account factors such as the expanded scope of the proposed ESF (e.g., labor standard), different Borrower capacities and adaptive management approach • Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness 	

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	Client capacity building and implementation support	<ul style="list-style-type: none"> • Funding for client capacity building • Approaches and areas of focus • Approach to implementing the ESF in situations with capacity constraints, e.g., FCS, small states and emergency situations 	
	Disclosure	<ul style="list-style-type: none"> • Timing of the preparation and disclosure of specific environmental and social impact assessment documents (related to ESS1 and ESS10) 	
	Implementation of the ESF	<ul style="list-style-type: none"> • Bank internal capacity building, resourcing, and behavioral change in order to successfully implement the ESF • Ways of reaching mutual understanding between Borrower and Bank on issues of difficult interpretation 	
<p>Other issues</p> <ul style="list-style-type: none"> • The importance of including the topic of scientific research was discussed because in the country there is little investment on this topic. • Another topic named as necessary to include related with policies on transparency, due to the growth of corruption in the country. • Environmental Assessments developed for DPFs need to take into account that the country's environmental assets and how a change in those assets may impact its national accounts. 			