



Review and Update of the World Bank's Environmental and Social Safeguard Policies

Phase 3

Feedback Summary

Date: January 13, 2016

Location (City, Country): Ankara, Turkey

Audience (Government, Implementing agencies, Multi-stakeholder, etc.): Government

ESF	Issue	Items	Feedback
Vision	Human Rights	1. Approach to human rights in the ESF	
ESP/ ESS1	Non-discrimination and vulnerable groups	2. 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) 3. 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"> The definition of vulnerable people is problematic. The definition is condition-based (e.g. woman, old, etc.), yet during project implementation different vulnerabilities may arise. If such vulnerabilities are not enumerated in the standards, the Borrower may not include them among the vulnerable categories. In addition, for the groups that are enumerated, how to handle them remains open.
	Use of Borrower's Environmental and Social Framework	4. 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	<ul style="list-style-type: none"> There are always gaps between national law and World Bank standards. Thus, how will application work? Will the government have to close gaps in all cases?

		<p>with Environmental and Social Standards (ESSs)</p> <p>5. 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</p> <p>6. Role of Borrower frameworks in high and substantial risk projects</p>	
	Co-financing/ common approach	7. 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	8. Approach to monitoring E&S compliance and changes to the project during implementation	
	Risk classification	9. Approach to determining and reviewing the risk level of a project	<ul style="list-style-type: none"> • The Bank should describe the relationship between risk categorization and its application under Borrower frameworks (e.g. will only high risk subprojects be subject to ESS?). • ESF includes identification of risk, vulnerable groups, stakeholder engagement, etc. But for each project or sub-project, risk categorization should be made, and the degree of stakeholder engagement, etc. should depend on this level of risk. • A participant asked at which level of the project preparation will the risk classification of the Borrower's project/sub-borrowers' projects be determined? • If the laws of the country will be applied for moderate and low risk projects, then the monitoring and evaluation of the Bank should be defined clearly.
ESS1	Assessment and management of	10. Assessment and nature of cumulative and indirect impacts to be taken into account	

	environmental and social risks and impacts	<p>11. Treatment of cumulative and indirect impacts when identified in the assessment of the project</p> <p>12. Establishing project boundaries and the applicability of the ESSs to Associated Facilities, contractors, primary suppliers, FI subprojects and directly funded sub-projects</p> <p>13. Circumstances under which the Bank will determine whether the Borrower will be required to retain independent third party specialists</p>	<ul style="list-style-type: none"> • <u>Associated/ancillary activities</u>: The government has faced difficulties in dealing with associated facilities – especially with electricity transmission lines connected to renewable energy projects, and specifically when the transmission lines are done by another agency. Does the ESF include any changes with respect to how Borrowers address this issue?
	Environmental and Social Commitment Plan (ESCP)	<p>14. Legal standing of the ESCP and implications of changes to the ESCP as part of the legal agreement</p>	<ul style="list-style-type: none"> • If the ESCP is part of the legal agreement, can it be amended? Would this require project restructuring? Implementers for FIs are often sub-borrowers. If there is a delay in their implementation, then what happens? The FI may not be in a position to control all sub-borrower behavior. Would the legal agreement need to be amended? • Will the ESCP be prepared for every specific project/subproject or is it a template document that can be used for every project? • The implementation responsibility for the ESCP should belong to the sub-borrower and should not be legally binding for the Borrower. • Can the ESCP be amended according to the circumstances evolving throughout the project lifecycle? • An ESMF is already prepared before a project; is the ESCP different?
ESS2	Labor and working conditions	<p>15. Definition and necessity of and requirements for managing labor employed</p>	<ul style="list-style-type: none"> • Labor standard coverage is quite extensive. Perhaps additional content can be added for collective bargaining and contractor issues.

		<p>by certain third parties (brokers, agents and intermediaries)</p> <p>16. Application and implementation impacts of certain labor requirements to contractors, community and voluntary labor and primary suppliers</p> <p>17. Constraints in making grievance mechanisms available to all project workers</p> <p>18. Referencing national law in the objective of supporting freedom of association and collective bargaining</p> <p>19. Operationalization of an alternative mechanism relating to freedom of association and collective bargaining where national law does not recognize such rights</p> <p>20. Issues in operationalizing the Occupational Health and Safety (OHS) provisions/standards</p>	<ul style="list-style-type: none"> • The responsibilities of Borrowers and FIs should be clarified in terms of sub-contractors. What is the exact responsibility? • IFC Performance Standard makes reference to ILO conventions. Will there also be references to ILO conventions in the World Bank's policies? • Requirements for Occupational Health and Safety (OHS) provisions/standards can be included in the Bank's Standard Bidding Documents, which will also make them binding for the contractor. This can be monitored by procurement staff.
ESS3	Climate change and GHG emissions	<p>21. The relation between provisions on climate change in the ESF and broader climate change commitments, specifically UNFCCC</p> <p>22. 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</p> <p>23. Implications required for the Borrower of estimating and reducing GHG emissions for Bank projects, in line with the proposed standard</p>	<ul style="list-style-type: none"> • The Paris Declaration is binding for the countries that signed it. How will the World Bank support it, and how will it impact Bank projects and approaches? • There is need for systematic monitoring of GHG.

ESS5	Land acquisition and involuntary resettlement	<p>24. Treatment and rights of informal occupants and approach to forced evictions in situations unrelated to land acquisitions</p> <p>25. Interpretation of the concept of resettlement as a “development opportunity” in different project circumstances</p>	
ESS6	Biodiversity	<p>26. Operationalization of the provisions on primary suppliers and ecosystem services, especially in situation with low capacity</p> <p>27. Role of national law with regard to protecting and conserving natural and critical habitats</p> <p>28. Criteria for biodiversity offsets, including consideration of project benefits</p> <p>29. Definition and application of net gains for biodiversity</p>	
ESS7	Indigenous Peoples	<p>30. Implementation of the Indigenous Peoples standard in complex political and cultural contexts</p> <p>31. Implementation of ESS7 in countries where the constitution does not acknowledge Indigenous Peoples or only recognizes certain groups as indigenous</p> <p>32. Possible approaches to reflect alternative terminologies used in different countries to describe Indigenous Peoples</p> <p>33. 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</p> <p>34. Criteria for establishing and implementation of Free, Prior and Informed Consent (FPIC)</p> <p>35. Comparison of proposed FPIC with existing requirements on consultation</p>	

		36. Application of FPIC to impacts on Indigenous Peoples' cultural heritage	
ESS8	Cultural Heritage	37. Treatment of intangible cultural heritage 38. Application of intangible cultural heritage when the project intends to commercialize such heritage 39. Application of cultural heritage requirements when cultural heritage has not been legally protected or previously identified or disturbed	
ESS9	Financial Intermediaries	40. Application of standard to FI subprojects and resource implications depending on risk 41. Harmonization of approach with IFC and Equator Banks	<ul style="list-style-type: none"> • There is a special ESS for FIs, but each ESS should have a paragraph on the application of that ESS as it specifically relates to FIs. • There are some differences among World Bank standards, UN regulations, and national law. There are differences between World Bank standards and standards of other Borrowers. FIs feel the need for donor standard coordination, and clarity is needed on what is being done about this issue.
ESS10	Stakeholder engagement	42. Definition and identification of project stakeholders and nature of engagement 43. Role of borrowing countries or implementing agencies in identifying project stakeholders	<ul style="list-style-type: none"> • There are a lot of absentee landlords in rural areas, either due to rural to urban migration, or due to inherited land having been divided up among very many people. How would Borrowers conduct consultations required for RAPs under such circumstances? With whom would they negotiate? • In some projects it can be difficult to reach people who are directly affected by the project (i.e. to identify project affected people or to determine the effect of the Bank-funded projects on people). This may not be a realistic indicator/approach. • Most consultations do not provide positive feedback. For example, there was a project for which a consultation meeting (that the Bank insisted on having) ended in a shouting match. There was so much resistance that, while it would not have wished for this outcome, the

			government dropped the project from World Bank financing.
General	EHSG and GIIP	44. 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"> Are the Environmental Health and Safety Guidelines new? The Bank should describe the relationship between them and national law.
	Feasibility and resources for implementation	<p>45. 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</p> <p>46. Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness</p>	
	Client capacity building and implementation support	<p>47. Funding for client capacity building</p> <p>48. Approaches and areas of focus</p> <p>49. Approach to implementing the ESF in situations with capacity constraints, e.g., FCS, small states and emergency situations</p>	<ul style="list-style-type: none"> While bringing forth all these new requirements, is the World Bank considering making any efforts to increase the human capacity of government agencies/Borrowers? In order to close gaps between national law and World Bank standards, usually consultants are used; but consultants of this capacity are few. Does the Bank have any plans to create an accredited roster of consultants? What about building the local capacity? It is really necessary for the Bank to help Borrowers adapt to its requirements and build capacity. Capacity building of sub-borrowers is also very important and needed. Overall, the results of capacity building efforts have been quite positive.
	Disclosure	50. Timing of the preparation and disclosure of specific environmental and social impact	

		assessment documents (related to ESS1 and ESS10)	
	Implementation of the ESF	51. Bank internal capacity building, resourcing, and behavioral change in order to successfully implement the ESF 52. Ways of reaching mutual understanding between Borrower and Bank on issues of difficult interpretation	<ul style="list-style-type: none"> • It is good that the World Bank has changed mentality with respect to emphasizing Borrower’s existing systems.
Other issues			<ul style="list-style-type: none"> • <u>Issue priorities:</u> Stakeholder engagement, risk categorization, climate change, non-discrimination and vulnerable people, labor standards, and land acquisition. • <u>Land acquisition:</u> It is good to see that “land acquisition” has been included in the title of ESS5, because most of the government’s land acquisition does not create involuntary resettlement. • <u>Gender and resettlement compensation:</u> There is increased attention given to women in ESS5, which is very positive. In terms of gender and resettlement compensation, experience has shown that even when compensation is provided to some women, they give the money to their husbands or fathers. What does the Bank propose in response to that? • <u>Forced migration:</u> What about forced migration issues in the world (e.g. large numbers of Syrian migrants in Turkey)? • <u>Syrian refugees:</u> Turkey has spent a lot of money on Syrian refugees. There are a lot of provinces with significant population concentrations, and there are many needs in terms of employment, health, housing, municipal services, utilities, and education. • <u>Labor:</u> Will the new provisions on labor/working conditions be added to procurement/bidding documents? If so, how?

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| | <ul style="list-style-type: none">• <u>Supply chain</u>: The supply chain has been well-defined in social/labor issues, but not so much on the environmental issues. Clarification is needed on the scope with regard to the latter.• <u>Energy efficiency</u>: Some donors ask for dedicated energy efficiency reports for a project. Will the World Bank ask for such reports as well?• <u>International Waterways Policy</u>: Will there be any changes?• <u>Application of ESF</u>: Will the ESF apply to active projects? Which pipeline projects will it apply to? |
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