



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

Phase 3

Feedback Summary

Date: January 21, 2016

Location: Cairo, Egypt

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

Overview: The consultations were divided into three parts: (i) general overview of the proposed framework and an update on the status of consultations; (ii) presentation and discussion of a generic case study and new requirements; and (iii) case studies which highlighted the difference between the current and new safeguards. A statement ([English](#) | [Arabic](#)) on the second draft Environmental and Social Framework submitted on behalf of several participating Egyptian civil society organizations can be found on the World Bank's dedicated consultation [website \(http://consultations.worldbank.org/consultation/review-and-update-world-bank-safeguard-policies\)](http://consultations.worldbank.org/consultation/review-and-update-world-bank-safeguard-policies).

ESF	Issue	Feedback
ESP/ ESS1	Non-discrimination and vulnerable groups	<ul style="list-style-type: none"> • The Bank should require the Borrower to dedicate no less than 5% of the project workforce for people living with disabilities (as per the national law). • Any future Bank-funded project should be made accessible for people living with disabilities, especially the infrastructure projects.
ESS1	Assessment and management of environmental and social risks and impacts	<ul style="list-style-type: none"> • Does the Bank take the cumulative environmental and social impacts of projects into consideration? • Assessment of impact has to be maintained after the project concludes.
	Environmental and Social Commitment Plan (ESCP)	<ul style="list-style-type: none"> • The commitment plan, however legally-binding, it should be flexible for any required modification, which implementation could entail.

<p>ESS2</p>	<p>Labor and working conditions</p>	<p>Labor and working conditions</p> <ul style="list-style-type: none"> • In general, it would have been easier, more efficient and effective that the Bank adopts the ILO standards related to labor, instead of coming up with the listed measures in the ESF. <p>Terms and Conditions of Employment</p> <ul style="list-style-type: none"> • Point 10, page 52: We propose the following clause to be added: <i>'The work contract shall be made of 3 copies, and one of these copies shall be handed to each respective worker; and the organizational regulations charter shall be announced and placed [e.g. as a poster] in a visible location at the project site.'</i> • The following clause has to be also explicitly stated under the terms: <i>'Management procedures shall not infringe the national laws or international conventions.'</i> • Point 12: The term <i>"dismissal"</i> has to be replaced by <i>'termination of work relationship'</i>, since the point is talking about putting an end to the work relationship, not dismissal. The ESF should state that the worker cannot be dismissed, except upon conclusion of the project or as the work necessitates. Other than that, the worker cannot be dismissed but according to an administrative investigation that meets integrity and impartiality requirements. And all due entitlements and compensations have to be paid to the involved workers, according to the national laws and international conventions. <p>Non-Discrimination and Equal Opportunity</p> <ul style="list-style-type: none"> • Point 13: The following quoted sentence seems loose: <i>"Decisions relating to the employment or treatment of project workers will not be made on the basis of personal characteristics unrelated to inherent job requirements."</i> Therefore, we propose that the common diseases in Egypt, such as Tuberculosis and Hypertension, have to be listed in the ESF, and the borrower has to cover treatment for such diseases. • Point 15 is loose. It has to include the following clause: <i>'There must be specific minimum quotas for workers—30% for women and 5% for persons with special needs if the nature of the project is suitable for them.'</i> <p>Worker's Organizations</p> <ul style="list-style-type: none"> • Point 16: This quoted sentence <i>"the role of legally established workers' organizations and legitimate workers' representatives will be respected"</i> should be replaced by <i>'the project management shall be committed to national laws; decrees of the workers' organizations; decisions resulting from collective bargaining; and shall also be committed to making all project-related information, necessary for bargaining, available.'</i> <p>Child Labor and Minimum Age</p> <ul style="list-style-type: none"> • Generally, the measures on child labor are good, but they are impossible to apply and monitor in our settings, especially when the number of child laborers (under 15 years) is 1.5 million, as per the official statistics.
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- Point 17: The following clause should be added: *'The project management shall be obligated to maintain children rights as per the international conventions.'*

Forced Labor

- Point 20, second line: The following quoted phrase *"will not be used"* should be replaced by *'will be criminalized'*.

Grievance Mechanism

- The mechanism should be well described, and the grievance redress should not be left for the borrower alone—impartial parties should be involved, since most of MENA countries are having serious issues with accountability.
- Point 21: The following clause is proposed to be added: *'And this information should be announced and placed [in the form of a poster, for example] in a visible and accessible location to all project workers'*.
- Point 22: This clause is proposed to be added: *'Grievance mechanisms shall be announced upon launch of the project, and be accessible to all workers. The grievances shall be investigated by a recognized independent party, within 15 days'*.
- The necessary subsequent procedures, in case no feedback is provided on the grievance, should be mentioned, i.e. what the complainant should do if s/he did not receive any response to his/her grievance. Also, related timelines for the measures should be outlined, e.g. within how many days the grievance has to be investigated.
- What is the grievance mechanism that could be used before implementation of the project? This should be highlighted in the ESF.

Occupational Health and Safety

- Point 24, line 1: This phrase *"will be applied"* should be replaced by *'The project management shall be committed to apply measures...'*
- Point 25, line 1: This phrase *"will be designed"* should be replaced by *'The project management shall [has to] design...'*
- Point 27, line 4: This phrase *"workers [...] will not be required to return to work"* should be replaced by *'requiring workers to return to work shall be banned'*.
- Point 28, line 1: This phrase *"All project workers will be provided"* should be replaced by *'The project management shall be committed to provide'*.
- Point 29, line 2: This phrase *"will collaborate in applying"* should be replaced by *'shall be committed to apply'*.
- The following has to be included as an additional separate measure (point): *'The borrower shall be committed to maintain equality between all workers, with regards to rights and duties, as long as the nature of work is the same'*.

Workers in Community Labor

		<ul style="list-style-type: none"> Point 36, line 2: The phrase "<i>Borrower will identify</i>" should be replaced by '<i>an independent committee shall identify</i>'. Also, this phrase (in line 3) "<i>will take appropriate steps to remedy</i>" should be replaced by '<i>shall be committed to remedy and provide compensation</i>'. In addition, this clause should be added at end of the point (36): '<i>Otherwise, the borrower shall be considered as an accomplice (with the supplier), and the necessary procedures shall be taken against this borrower.</i>'
ESS3	Climate change and GHG emissions	<ul style="list-style-type: none"> Standards of the World Health Organization on emissions should have been adopted, instead of the proposed ones in the ESF, since reliance on the national laws in this regard is a big problem—these laws allow use of coal, for example; and the IFC is financing a cement factory that works on coal. The ESF did not refer to any of the international framework conventions about GHG.
ESS5	Land acquisition and involuntary resettlement	<ul style="list-style-type: none"> Some measures about forced evictions were available in the past version, but not in the current one. Please clarify. Why not use the existing measures prepared by the UN and international CSOs in this regard, instead of introducing measures that don't reflect human rights?
ESS6	Biodiversity	<ul style="list-style-type: none"> Point 18, on page 95-96, uses inappropriate terminologies that should not be used with biodiversity, such as "net gain" and "net loss," because removal of any natural habitat will result in extinction of the creatures that depend on it, which cannot be compensatory. The UN biodiversity convention should be relied on in this regard. The Bank should not finance any patents or projects that involve genetic reproduction of plants or animals. The Bank projects should not be constructed on arable lands or waterways, like what happened with the Giza North power station.
ESS7	Indigenous Peoples	<ul style="list-style-type: none"> Who is the body that determines which safeguards will be used for what project, and when? For example, there was a solar power project planned to be implemented in Nuba, southern Egypt, and the assessment did not include anything about the indigenous people, however it was affecting them. ESS5, point 17: This phrase "<i>consultations with displaced Indigenous Peoples</i>" doesn't make sense, as the project will be developed anyhow, even if the affected people rejected the proposed compensation of the borrower.
ESS10	Stakeholder engagement	<ul style="list-style-type: none"> Stakeholders should include normal citizens, not just heads of the tribes, for example. The project plan has to include prior consultations with the stakeholder.
General	Disclosure	<ul style="list-style-type: none"> Stakeholders, the affected people, of the project should be made familiar with the project from the very beginning—upon the planning phase. Timing of compensation have to be explicitly stated in the document, and should not be left for the Borrower to determine. All Borrowers should be committed to disclose their tax status, if any, since Egypt is suffering heavily from tax evasion.

Other issues	<ul style="list-style-type: none">• The ESF is incomprehensive—it only covers IPF instruments, and overlook the DPF and PforR projects.• Harmonization of ESSs with other agencies (donors) should be taken into consideration, since the borrowers will be struggling if they are dealing with more than a framework.• The MENA concerns listed in the presentation should be categorized by source (government or civil society), so as to identify the gap between both, and try to bridge that.• What if a project satisfies all ESSs, but it will bear damaging effects to another country, such as the Ethiopian dam which is expected to badly affect Egypt's share in the River Nile water—will the Bank consider financing such projects?• Following approval of the new ESF, what if a current project gets an extension—will the new ESF apply?• So many phrases across the ESF are loose (not binding), such as 'the borrower will do/undertake/implement, etc.' Stronger and binding terms should be employed instead, such as 'the borrower shall/must/has to, etc.'
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