




---

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

---

**Date:** January 15, 2016

**Location (City, Country):** KIGALI, RWANDA

**Audience:** CSOs/NGOs

**Key:** C = Comment

Q = Question

ESF	Issue	Items	Feedback
Vision	Human Rights	1. Approach to human rights in the ESF	<p>C: Economic development cannot be separated from politics and human rights issues.</p> <p>C: Addressing human rights in this ESF leads to more effective participation by people in Bank projects. Active participation by poor and vulnerable people is essential.</p> <p>Q: How does this ESF hold governments accountable for human rights, especially when basic services, such as health, don’t work? How does the ESF hold the Bank accountable? Remember that when the Bank suspends lending, it is the vulnerable populations such as women and children who suffer.</p>

ESP/ ESS1	Non-discrimination and vulnerable groups	<p>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)</p> <p>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</p>	<p>C: The ESF needs to be more specific about how it will address vulnerability, for example, on gender.</p> <p>C: Women and youth are always at a disadvantage in development processes. This needs to be recognized explicitly within the ESF.</p> <p>C: The Bank should not support projects that discriminate against people with different views from the borrowing governments.</p>
	Use of Borrower's Environmental and Social Framework	<p>4. Role of Borrower frameworks in the management and assessment of environmental and social (E&amp;S) risks and impacts where these will allow projects to achieve objectives materially consistent with</p>	<p>C: The Bank has tried to impose Western environmental frameworks on borrowing countries, and this can be contentious. It is important to take account of borrowers' frameworks and to use them effectively.</p> <p>Q: How will the Bank use national environmental frameworks to implement this ESF?</p>

		<p>Environmental and Social Standards (ESSs)</p> <ul style="list-style-type: none"><li>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</li><li>6. Role of Borrower frameworks in high and substantial risk projects</li></ul>	
--	--	--	--

	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	Q: Rwanda has good policies for M&E, but implementation is a challenge. How will the ESF encourage a participatory approach to M&E and associated research to identify and manage gaps and challenges?
	Risk classification	9. Approach to determining and reviewing the risk level of a project	
ESS1	Assessment and management of environmental and social risks and impacts	<p>10. Assessment and nature of cumulative and indirect impacts to be taken into account</p> <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</p>	Q: Cumulative impacts are important and needs to be properly documented. How does the Bank think this should be done? Such impacts are not being properly monitored.

		independent third party specialists	
	Environmental and Social Commitment Plan (ESCP)	14. Legal standing of the ESCP and implications of changes to the ESCP as part of the legal agreement	
ESS2	Labor and working conditions	<p>15. Definition and necessity of and requirements for managing labor employed 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</p>	

		<p>where national law does not recognize such rights</p> <p>20. Issues in operationalizing the Occupational Health and Safety (OHS) provisions/standards</p>	
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>	<p>Q: How can the Bank help borrowers implement the provisions on climate change?</p> <p>Q: Is there any specific requirement in this ESS to help developing countries reduce GHGs?</p>

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>	<p>C: People with land titles have the right to be compensated, but there are not always enough resources to do so, so project-affected people don’t always get the funds they’re entitled to.</p> <p>Q: Rwanda’s land reform framework is good; however, it does not allow for compensating tenants. How does the ESF handle such compensation? And, how is the contradiction between national law and ESS 5 going to be managed?</p> <p>Q: Sometimes there are delays in the payment of compensation because the government may not have the money to pay immediately or the government may only be in a position to pay partial compensation. How is this captured in the ESF?</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>	<p>Q: How can the Bank help borrowers implement the provisions on ecosystem services?</p>
ESS7	Indigenous Peoples	<p>30. Implementation of the Indigenous Peoples standard in complex</p>	<p>C: This standard cannot work in Rwanda, given its history. Tanzania’s Constitution established a basis for avoiding genocide. Burundi has chosen to recognize Indigenous Peoples. The real issue is poverty. We would prefer to</p>

		<p>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> <p>36. Application of FPIC to impacts on Indigenous Peoples' cultural heritage</p>	<p>see equity in the level of interventions that address poverty rather than attempts to distinguish between communities.</p>
--	--	--	---



ESS8	Cultural Heritage	<p>37. Treatment of intangible cultural heritage</p> <p>38. Application of intangible cultural heritage when the project intends to commercialize such heritage</p> <p>39. Application of cultural heritage requirements when cultural heritage has not been legally protected or previously identified or disturbed</p>	
ESS9	Financial Intermediaries	<p>40. Application of standard to FI subprojects and resource implications depending on risk</p> <p>41. Harmonization of approach with IFC and Equator Banks</p>	
ESS10	Stakeholder engagement	<p>42. Definition and identification of project stakeholders and nature of engagement</p> <p>43. Role of borrowing countries or implementing agencies in identifying project stakeholders</p>	<p>C: Beneficiaries should be very much engaged in identifying environmental and social impacts and mitigation measures. This helps projects.</p> <p>Q: How does a borrower government engage civil society in a meaningful way?</p>
General	EHSG and GIIP	<p>44. Application of the Environmental, Health and Safety Guidelines (EHSGs) and Good International Industry</p>	

		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	
	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>	C: Capacity-building should be designed to ensure that national technical specialists can take over from Bank staff and international consultants/experts.

	Disclosure	50. Timing of the preparation and disclosure of specific environmental and social impact assessment documents (related to ESS1 and ESS10)	Q: How would this ESF address the need for transparency addressing environmental and social risks when governments want to keep some of the information or analysis confidential?
	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	
Other issues			<p>C: The Bank is still focusing on borrower governments' inputs rather than those of civil society. The ESF needs to be clearer about the role of civil society, particularly with regard to implementation and monitoring and evaluation. Civil society is key to moving this ESF forward. This requires a partnership involving the Bank, governments and CSOs during the life of a project.</p> <p>Q: How would this ESF address a problem like the Ebola Virus?</p> <p>Q: This ESF is a long and complicated document. How will you make it understandable to people in the borrowing countries? Is there a way it can be simplified and made more accessible? Have you looked at the environmental and social policies of other institutions, such as the African Development Bank and the European Investment Bank?</p> <p>Q: How will the transition from Operational Policies to this ESF be handled, especially for programmatic projects that are under implementation for a long time?</p>

	<p>Q: What best practices from other countries have been incorporated into this ESF?</p>
--	--