



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

Date: January 14, 2016

Location (City, Country): KIGALI, RWANDA

Audience: Governments

Key: C = Comment

Q = Question

ESF	Issue	Items	Feedback
Vision	Human Rights	1. Approach to human rights in the ESF	C: On the human rights aspects, participation of citizens should be encouraged, particularly from poor and vulnerable groups.
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	C: There should be more mention of and focus on women and youth as particularly vulnerable groups
			Q: What happens if national laws on human rights or discrimination do not conform with the ESF?

		<p>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>Q: How will the Bank handle LGBT rights when they are illegal in some borrowing countries?</p>
	<p>Use of Borrower's Environmental and Social Framework</p>	<p>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 with</p>	<p>C: It is good that borrower frameworks are taken into account, so that local conditions are better reflected in development projects.</p> <p>Q: What happens if some aspect of the ESF does not conform with national law? Which takes precedence?</p> <p>Q: In some countries, environmental and social requirements may not all be reflected in national law. What would the Bank base its analysis of borrower frameworks on in this case?</p>

		<p>Environmental and Social Standards (ESSs)</p> <ul style="list-style-type: none">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 discretion6. Role of Borrower frameworks in high and substantial risk projects	
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	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	Q: How will the Bank harmonize this ESF with the policies of the other regional development banks on the same project, especially if their policies do not conform with parts of this ESF? Q: How will the Bank ensure a unified approach for activities financed using trust fund resources from different donors and therefore different donor priorities in terms of environmental and social compliance?
	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	Q: How have the EA classifications changed in this ESF relative to the OPs? How are they defined?
ESS1	Assessment and management of environmental and social risks and impacts	10. Assessment and nature of cumulative and indirect impacts to be taken into account 11. Treatment of cumulative and indirect impacts when identified in the assessment of the project 12. Establishing project boundaries and the applicability of the ESSs to Associated Facilities, contractors, primary suppliers, FI subprojects and directly funded sub-projects 13. Circumstances under which the Bank will determine whether the Borrower will be	C: Concerns that the ESF imposes additional burdens on borrowing countries. ESMP costs are not usually factored into project costs. It is difficult to implement ESMPs in our country, given the resource demands and costs. Q: Does this ESF require that Cumulative Impact Assessment would be separate reports from ESIAs? Q: Will the Bank finance additional environmental and social studies? Q: We understand that the ESS's are based on the Performance Standards. Is the Bank leaning towards a private sector approach for environmental and social management? Q: How do we ensure that the additional environmental and social documents required by the ESF don't utilize too many resources by the borrowers? Q: Is there an understanding on how to handle transboundary environmental impacts, such as biodiversity, if the affected area in the other country is not part

		<p>required to retain independent third party specialists</p>	<p>of the project. How is this handled in the Financing Agreement of the World Bank?</p> <p>Q: How will governance and transparency be addressed in this ESF? Is this ESF applicable to non-borrowing countries?</p> <p>Q: Will ESMFs and RPFs still be necessary with this ESF?</p> <p>Q: In cross-border projects, should an induced migration plan be prepared, and who should pay for it?</p> <p>Q: ESS's 1 and 10 are cited throughout ESF – how can we make these Standards work Effectively?</p> <p>Q: How will the ESF apply to programmatic initiatives?</p>
	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>	<p>Q: How is the ESCP different from an ESMF?</p> <p>Q: With the ESCP, is it now possible to not disclose some safeguards instruments before appraisal, or disclose only parts of the instruments? How does this work?</p> <p>Q: What is the added value of an ESCP? How will it ensure that the project's environmental and social requirements are met?</p>
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</p>	<p>Q: Could there be regular country reviews/assessments of such issues as child labor so that there is clarity by the Bank and borrowers?</p> <p>Q: How to handle the situation when contracts involve private entities. Does this ESS apply? How?</p> <p>Q: Does this ESS apply to child labor on family farms?</p> <p>Q: Does this ESS improve on ILO standards, or track them closely?</p>

		<p>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>	
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</p>	<p>C: The issues in this ESS (especially regarding climate change, and management of energy, water and materials) are difficult for developing countries to handle. They are costly and technically challenging, especially in Africa.</p> <p>C: We need to look at climate change adaptation, even if we don't have all the data on GHG emissions.</p> <p>Q: Countries don't have baseline information on GHGs. Will the Bank be able to borrowers in obtaining this data?</p>

		<p>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 does one do a technical evaluation of GHGs? How would this be costed? It should be noted that Rwanda does not emit too much CO2 or air pollution.</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: Many countries have tried to set up laws on land tenure, but there is not a clear understanding with the Bank regarding informal settlers. People move into areas they know will be developed so that they can get compensation. The Bank needs to understand borrowing governments’ problems with this issue.</p> <p>Q: When a transboundary project involves induced in-migration impacts, whose responsibility is it to look into such situations?</p>
ESS6	Biodiversity	<p>26. Operationalization of the provisions on primary suppliers and ecosystem services, especially in situation with low capacity</p>	<p>Q: Countries don’t have baseline information on biodiversity and ecosystem services. Will the Bank be able to assist borrowers in obtaining this data?</p> <p>Q: If a road crosses a park or Protected Area, how can we obtain data to analyze its impacts?</p> <p>Q: What is meant by the primary supplier in the supply chain?</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: There is a problem with consistent management of forest resources and certification. What are the requirements for this in the ESF?</p> <p>Q: How can borrowers pay for all the externalities to protect ecosystem services?</p> <p>Q: Should we have all information on biodiversity before finalizing project preparation?</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</p>	<p>Q: This ESS will not be applicable to Rwanda. Will you take different approaches to applying this ESS, depending on the country?</p> <p>Q: Why do we need FPIC with regard to involuntary resettlement by Indigenous Peoples (IPs)?</p> <p>Q: Does the Bank determine if IPs are in the project area, or does the Government do it?</p>

		<p>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>	
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>	Q: Will the Bank be on-lending its resources to microcredit institutions?

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: The Bank is still relying a lot on the borrowing governments' views and systems and not so much on civil society which should be given a bigger role in terms of monitoring and third party involvement. The notion of continuous engagement should involve and mobilize more of civil society</p> <p>Q: Where does the budget come for the Grievance Redress Mechanism (GRM)? Who pays for claims – and what to do if the Government does not have money to pay for the resolution of a grievance?</p> <p>Q: How can borrowers address complaints and grievances with limited resources? How can this be built into project design?</p>
General	EHS and GIIP	<p>44. Application of the Environmental, Health and Safety Guidelines (EHSs) 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</p>	
	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</p>	<p>Q: The ESF implies a need for more comprehensive studies on some environmental and social aspects (ecosystem services, GHG...). Would the WB support the countries working on establishing baselines?</p>

		<p>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>	
	Disclosure	<p>50. Timing of the preparation and disclosure of specific environmental and social impact assessment documents (related to ESS1 and ESS10)</p>	<p>C: We assume that posting a safeguards document on a government website is good enough. Not sure we make enough of an effort to ensure documents are disclosed within local communities.</p> <p>Q: How will disclosure be done if not all the safeguards instruments are completed before appraisal?</p>
	Implementation of the ESF	<p>51. Bank internal capacity building, resourcing, and behavioral change in order to successfully implement the ESF</p> <p>52. Ways of reaching mutual understanding between Borrower and</p>	<p>Q: In countries where some ESS's are not addressed in national law, how is the requirement for a legal opinion going to be handled?</p>

		Bank on issues of difficult interpretation	
Other issues			<p>C: The ESF is rather complex. It needs to be simplified further if it is going to be understandable to government counterparts and the consultants who support them.</p> <p>Q: How will Bank-financed projects transition from OPs to the ESS's? especially for on-going projects</p> <p>Q: How is dam safety handled in this ESF?</p> <p>Q: Most of the ESS's are derived from IFC Performance Standards. What does this mean? Is the Bank taking a private sector orientation to it lending?</p> <p>Q: Under the new ESF, how will issues of transboundary impacts will be addressed?</p> <p>Q: How does the World Bank plan to make itself accountable for this ESF?</p> <p>Q: Are countries ranked in terms of compliance to environmental and social safeguards?</p>