



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

Phase 3

Feedback Summary

Date: December 3-4, 2015

Location (City, Country): Tashkent, Uzbekistan

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

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	
	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"> Several participants stated that the government and the World Bank have a common understanding and shared principles on environmental aspects. There is also local legislation that matches World Bank requirements.

		<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>	<ul style="list-style-type: none"> Some participants expressed that the Bank has good guidelines for the use of Borrower frameworks, which definitely should be used. More specifically, they agreed that Borrowers should be able to suggest where local legislation can be used, and that the Bank can evaluate it, provide recommendations, and make a final decision on its use.
	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	
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 independent third party specialists</p>	
	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	<ul style="list-style-type: none"> Participants inquired if the new Environmental and Social Commitment Plan would be a separate document.

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 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"> • Participants asked if the Bank, like the government, has a list of harmful substances which cannot be used during construction or other project-related activities.
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>	

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>	<ul style="list-style-type: none"> • Clarification was sought on how the Bank would address cases where people intentionally start building at a project site after the cut-off-date in order to receive compensation. Additionally, participants asked how the Bank would treat the people indirectly affected by land acquisition and involuntary resettlement. • Participants also inquired about the Bank’s approach to identifying impacted/displaced households and businesses. Clarification is needed for the Borrower regarding what assets should and should not be compensated under the ESF. Participants warned that businesses sometimes try to use the development of a project to get more profit. Also, it can be difficult to carry out actions needed to bridge gaps between Bank requirements and national law, in the absence of a legal basis that enables the project implementing unit to implement the additional measures to bridge the gaps. • A participant noted that Uzbekistan law requires the displaced party (not Government) to pay for services of an independent assessor in order to avoid conflict of interest. • A participant indicated that allowing people to keep salvaged materials with no charge amounts to “double-dipping” as they have already been compensated for the loss of the structure. • Participants urged for a clear plan on providing compensation and assistance on the assessment of equipment, the assembling or disassembling of a facility, the relocation allowance, etc.
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> <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>	

		41. Harmonization of approach with IFC and Equator Banks	
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	
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	
	Feasibility and resources for implementation	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 46. Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness	<ul style="list-style-type: none"> • Participants said that risk assessment and project budget identification are valid for 6 months under local legislation. However, sometimes the start of project implementation can be delayed up to 2 or 3 years. Local law states that the government has to pay for reassessment of impacts, and participants inquired if the Bank has any instruments for repeated assessment. • Participants stressed that all aspects involving document preparation for implementing resettlement activities need to be systemized, as the Bank and the government need to have a common understanding, and processes need to be implementable. Otherwise, projects may be hard to execute. For example, participants cited a project in which the Bank joined in the middle of the resettlement process with a different compensation approach, making the compensation system difficult to implement.
	Client capacity building and implementation support	47. Funding for client capacity building 48. Approaches and areas of focus 49. Approach to implementing the ESF in situations with capacity constraints, e.g., FCS, small states and emergency situations	<ul style="list-style-type: none"> • Participants said that not all international requirements can be met by the government. In addition, participants said that the project implementer cannot provide all the

			necessary reporting information, as clarification is needed on what documents are required.
	Disclosure	50. Timing of the preparation and disclosure of specific environmental and social impact assessment documents (related to ESS1 and ESS10)	<ul style="list-style-type: none"> • Participants inquired if more time would be given to the Borrower to prepare all necessary documents, etc.
	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 Bank on issues of difficult interpretation</p>	<ul style="list-style-type: none"> • Participants asserted that requirements have to be accepted by the government before financial agreements are signed with the World Bank, especially in terms of what to compensate. In addition, the local government (e.g., mayor's office) also needs to understand the requirements. • Some participants mentioned discrepancies between Uzbek law and the Bank's requirements (e.g., compensation practices for the cost of construction materials). Clarification was sought on whether assessment or validation should be compensated.
	Other issues		<ul style="list-style-type: none"> • Participants asked if the new requirements would be implemented in current projects. Additionally, they inquired if current projects would be assessed in accordance with the new requirements. • Concerns were also raised about border crossing issues and personnel safety at project sites located in bordering countries. • Some participants inquired how the Bank would address border country issues in project implementation, particularly regarding water resource management.