



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

### Phase 3

### Feedback Summary

**Date:** December 4, 2015

**Location (City, Country):** Tashkent, Uzbekistan

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

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	<ul style="list-style-type: none"> <li>The World Bank should support national institutions to do assessments and forecasts (e.g. a “think tank”).</li> </ul>

		<p>achieve objectives materially consistent 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"> <li>• The Bank should explain how it defines a complex case and specify its approach to determining how such cases are monitored.</li> </ul>
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>	<ul style="list-style-type: none"> <li>• Bank projects should properly account for water resource management. Participants cited a project in which the water shortage was not covered accurately, even though water shortages are a major issue.</li> <li>• Monitoring should always be done by a third party.</li> </ul>

	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 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"> <li>• The Bank should be mindful of private recruitment agencies' role in labor migration, including promoting cooperation among unions in labor destination countries. In addition, the Bank should consider the labor market forecast, risks, consultations, and development scenarios in the coming years.</li> </ul>
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</p>	<ul style="list-style-type: none"> <li>• Participants expressed their support for the second draft Environmental and Social Framework and affirmed that climate change is a very complex and important issue that affects many activities around the globe.</li> <li>• Participants emphasized that climate change is a very relevant issue, as Central Asia is a high risk zone (e.g., receding Aral Sea, desert expansion, change in seasonal weather conditions, billions of dollars allocated for natural disaster preparedness, etc.). Communities will need help to deal with these changes.</li> </ul>

		<p>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"> <li>• The Bank should consider the impact of climate change in the region. For example, participants mentioned that mountain waters have reduced by 30%, and regional water access issues are affecting agriculture as well as the population. In addition, there is no early warning system on droughts, which has affected resettlement of the population from dry areas and has even impacted migration.</li> <li>• WB Credit line for renewable energy should be strengthened/expanded.</li> </ul>
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"> <li>• One participant inquired if the Bank’s standards would include property rights and urged the Bank to require that local authorities address the issue, since it is directly related to resettlement and land acquisition.</li> <li>• One participant suggested that compensation/resettlement should not be delegated to local authorities, as they don’t have the knowledge or incentive to implement it properly.</li> <li>• There should be third party monitoring of resettlement, including any post-resettlement audits (but Borrowers will need guidance on selection of the third parties).</li> </ul>
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>	<ul style="list-style-type: none"> <li>• There is a lack of understanding of biodiversity’s importance, particularly in relation to the economic impacts of loss of ecosystem services. Projects definitely have to pay attention to these factors.</li> <li>• Participants urged the Bank to support biodiversity by aiding efforts to protect 20% of total natural areas in Uzbekistan, as only 5% of its territory is protected. WB should participate in the Aral Sea Disaster mitigation which includes creation of new protected areas.</li> <li>• Increasing use of imported seeds that replace local varieties is a problem in the horticultural project.</li> <li>• The Bank should also consider how gene modification affects biodiversity.</li> </ul>

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> <p>41. Harmonization of approach with IFC and Equator Banks</p>	

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	
	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	
	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	
Other issues			<ul style="list-style-type: none"> <li>• Compared to the previous draft, participants said the presentation of the second draft Environmental and Social Framework is clearer.</li> <li>• Participants underscored the importance of sustainable development, especially integrated water resource management and renewable energy.</li> </ul>