



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

### Phase 3

### Feedback Summary for Morocco (CSO)

**Date:** January 26, 2016

**Location (City, Country):** Rabat, Morocco

**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.

ESF	Issue	Items	Feedback
Vision	Human Rights	1. Approach to human rights in the ESF	<ul style="list-style-type: none"> <li>• Participants indicated that the ESF should be drafted in terms of promoting HRs</li> <li>• Some participants inquired about which part of the HR issue was of concern.</li> <li>• There was a request to describe the HR principles in Vision Statement.</li> <li>• Clarifications were sought with respect to the HR conventions</li> </ul>
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	<ul style="list-style-type: none"> <li>• There was an inquiry about how non-discrimination principle will be applied.</li> <li>• It was noted that rural women need to be included as part of vulnerable groups.</li> <li>• Participants asked how refugees are being taken into account.</li> </ul>

		<p>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>	
	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 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"> <li>Participants requested that the Bank helps the Borrower prepare the analysis of its legislation and gap analysis.</li> </ul>
	Co-financing/ common approach	<p>7. Arrangements on E&amp;S standards in co-financing situations where the co-financier's standards are</p>	

		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	
ESS2	Labor and working conditions	15. Definition and necessity of and requirements for managing labor employed by	<ul style="list-style-type: none"> <li>• It is important to ensure equal treatment of women</li> <li>• Participants indicated that ESS2 should extend requirements for health insurance and pension.</li> </ul>

		<p>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>• Another question was raised with regard to the refugees and migrants.</li> <li>• A question was asked on whether OHS apply to community labor.</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</p>	<ul style="list-style-type: none"> <li>• Participants sought clarification on the compensation requirements for high GHG emissions.</li> <li>• There was a request to clarify how GHG emissions will be monitored, and whether there will be a methodology described for GHG calculation.</li> <li>• Participants demanded how the “threshold” will be defined.</li> </ul>

		<p>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"> <li>• Participants suggested that the ESS5 should take into account acquisition of collective land.</li> <li>• According to the participants, the issue of rural migration should be considered.</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</p>	<ul style="list-style-type: none"> <li>• It was mentioned that local communities need to be involved in the identification and management of ecosystem services.</li> <li>• Further clarifications were sought on what measures are required under ESS6 for protection of E&amp;S after a project closes.</li> </ul>

		<p>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	37. Treatment of intangible cultural heritage	<ul style="list-style-type: none"> <li>• Participants wanted to know what methodology is adopted for identifying and compensating intangible Cultural Heritage</li> </ul>

		<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>	<ul style="list-style-type: none"> <li>• Participants inquired about when and how civil society should be involved.</li> <li>• Some participants asked how the Bank will ensure that stakeholder comments are taken on board.</li> <li>• There was a question about the process used for stakeholder identification.</li> </ul>
General	EHSG and GIIP	<p>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</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 adaptive management approach</p> <p>46. Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness</p>	<ul style="list-style-type: none"> <li>• Participants needed to know about the capacity building measures that will be in place for Borrower.</li> <li>• Some participants inquired whether the Borrower will receive financial support for Borrower to do the EA assessment.</li> </ul>
	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>	
	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>	



Other issues	<ul style="list-style-type: none"><li>• There was a comments on the need to ensure Borrower awareness of requirements.</li><li>• It is important to prepare simple guidance tools for Borrower to implement ESF and ensure proper training/awareness raising to counterparts to enhance ownership.</li><li>• The E&amp;S requirements need to be taken into account in Project budget</li><li>• Participants requested that E&amp;S impacts be evaluated and supervised beyond closing of the project</li><li>• The Bank was asked to require the integration of ESS in national legislation as a pre-condition to financing a project.</li></ul>
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