



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

Phase 3

Feedback Summary for Morocco (Government)

Date: January 25, 2016

Location (City, Country): Rabat, Morocco

Audience (Government, Implementing agencies, Multi-stakeholder, etc.): Representatives of the Government of Morocco

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	
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	<ul style="list-style-type: none"> • There was a question about the proposed methodology used to identify vulnerable groups. • Further clarifications were sought on how vulnerability will be identified in projects and how the baseline will be determined.

		complex social and political contexts, including where recognition of certain groups is not in accordance with national law	<ul style="list-style-type: none"> Participants asked about how the principle of non-discrimination is applied when it is contrary to national legislation.
Use of Borrower's Environmental and Social Framework	<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 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		<ul style="list-style-type: none"> There was a question on whether other financiers were consulted in preparation of ESF. Participants indicated that there is a need to ensure that work done for other financiers prior to Bank project is taken into account. Further information were requested on how the common approach will be put in place in practice.
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	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 required to retain independent third party specialists	<ul style="list-style-type: none"> • There was a concern that scope of application to Associated Facilities and Primary Suppliers will be an obstacle for large complex infrastructure projects. • Participants asked who determines the scope of the Associated Facilities/project boundaries. • Some participants wanted to know when independent specialists are required. And there were concerns regarding the financing necessary for such specialists and requests for using the Bank financing in such situations.
	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"> • There were questions on how the ESCP fit into the contractual arrangements between the Borrower and the Bank and how to legally/contractually ensure the ESCP's flexibility and adaptability.
ESS2	Labor and working conditions	15. Definition and necessity of and requirements for managing labor employed by certain third parties (brokers, agents and intermediaries) 16. Application and implementation impacts of certain labor requirements to	<ul style="list-style-type: none"> • Some participants inquired about the reasons why the ESF does not refer to the ILO Conventions. • Participants believed that it will be difficult to apply this standard to the informal sector.

		<p>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 Bank projects and implications thereof, in line with the proposed standard, including determining scope, threshold, duration, frequency and</p>	

		<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>	
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"> • There was a request to clarify the meaning of the reference to development opportunity. • Further clarifications were sought on who are considered informal occupants.
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"> • It was noted that requirements regarding ecosystem services could have significant costs in terms of expertise. • According to participants, there is a need to clarify when off-sets are acceptable.
ESS7	Indigenous Peoples	30. Implementation of the Indigenous Peoples standard	

		<p>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</p>	

		cultural heritage has not been legally protected or previously identified or disturbed	
ESS9	Financial Intermediaries	40. Application of standard to FI subprojects and resource implications depending on risk 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	<ul style="list-style-type: none"> • There were questions on whether projects will specify the need for specific expertise/safeguard focal points within the PIEs, and on the availability of additional financing to ensure this (in particular on OHS).

		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"> • Participants inquired whether the outstanding issues are in order of importance. • There were requests to clarify defined outcomes-based approach and “results oriented” • There were concerns in Morocco that precautionary approach implies not taking action • Someone asked a question on when the ESF will become effective.

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| | <ul style="list-style-type: none">• There was a request to review some terminology and align with those of international conventions.• Participants stated that Morocco should have a clear specific framework.• Someone commented that ESS 5 objective fifth bullet should recognize the principle of integrated approach in resettlement policy• Participants believed that it is important that donors harmonize their requirements and not have borrowers repeating the same thing again and again for each. |
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