



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

Phase 3

Feedback Summary

Date: December 8, 2015

Location (City, Country): Dushanbe, Tajikistan

Audience (Government, Implementing agencies, Multi-stakeholder, etc.): Ministries, State Governmental Agencies and Project Management Unit

ESF	Issue	Items	Feedback
Vision	Human Rights	<ul style="list-style-type: none"> Approach to human rights in the ESF 	
ESP/ ESS1	Non-discrimination and vulnerable groups	<ul style="list-style-type: none"> 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) Specific aspects of the non-discrimination principle in complex social and political contexts, including where recognition of certain groups 	<ul style="list-style-type: none"> Vulnerable group of population (poor residents in rural area) are identified and involved in project realization. For instance, local residents clean the ditches in their villages and get paid for their services, improving their financial conditions. According to participants, Article 7 of Tajik Labor Code clearly identifies the principle of non-discrimination in relation to labor: "All citizens have equal opportunities in labor relations' field. Any kind of distinctions, exclusion or preference, rejection in job, made against dissimilarity, nationality, race, color, sex, age, religion, politics, and place of birth, of foreign or social growth leading to violating equality of chances in the sphere of work. Individuals, thinking they have been incurred to discrimination in the sphere of labor relations can appeal with appropriate application to the court of law." Local Government, including responsible Ministries and Agencies shall be involved in identification of vulnerable groups. They can provide correct and up-to-date statistical data.

		is not in accordance with national law	
Use of Borrower's Environmental and Social Framework	<ul style="list-style-type: none"> • 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) • 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 • Role of Borrower frameworks in high and substantial risk projects 	<ul style="list-style-type: none"> • Tajikistan has adopted many environmental and social standards already; implementing the new ESF will provide an opportunity for further improvement • It is important to note that in the Tajikistan system, many different agencies can play a role in project implementation and support (it is not just the PMU Tajikistan law has good provisions for disabled access to schools and other public services (all new construction must provide this), but providing access ramps is not enough – there are many other aspects of design that need to be taken into account for accessibility. (This would be a good area for capacity building) 	
Co-financing/ common approach	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Approach to monitoring E&S compliance and changes to the project during implementation 	<ul style="list-style-type: none"> • Experts from local Ministries and Agencies shall take part in the process of monitoring, particularly Ministry of health and social protection; Ministry of Environment. 	

	Risk classification	<ul style="list-style-type: none"> • Approach to determining and reviewing the risk level of a project 	
ESS1	Assessment and management of environmental and social risks and impacts	<ul style="list-style-type: none"> • Assessment and nature of cumulative and indirect impacts to be taken into account • Treatment of cumulative and indirect impacts when identified in the assessment of the project • Establishing project boundaries and the applicability of the ESSs to Associated Facilities, contractors, primary suppliers, FI subprojects and directly funded sub-projects • Circumstances under which the Bank will determine whether the Borrower will be required to retain independent third party specialists 	
	Environmental and Social Commitment Plan (ESCP)	<ul style="list-style-type: none"> • Legal standing of the ESCP and implications of changes to the ESCP as part of the legal agreement 	
ESS2	Labor and working conditions	<ul style="list-style-type: none"> • Definition and necessity of and requirements for managing labor employed by certain third parties (brokers, agents and intermediaries) • Application and implementation impacts of 	<ul style="list-style-type: none"> • Social fund tax is not paid for Bank project employees. It cannot ensure the employee labor pension in future. The issue shall be taken into account. • Tajikistan legislation includes a number of laws and codes, which ensure Occupational Health and Safety. Local legislation guarantees safe working environment and labor protection, radiation safety, fire safety, sanitary and epidemiologic safety for employees. In addition, there are a

		<p>certain labor requirements to contractors, community and voluntary labor and primary suppliers</p> <ul style="list-style-type: none"> • Constraints in making grievance mechanisms available to all project workers • Referencing national law in the objective of supporting freedom of association and collective bargaining • Operationalization of an alternative mechanism relating to freedom of association and collective bargaining where national law does not recognize such rights • Issues in operationalizing the Occupational Health and Safety (OHS) provisions/standards 	<p>number of state agencies responsible for safeguarding adequate working conditions.</p> <ul style="list-style-type: none"> • National program on labor safety for 2013-2016 is under realization. Based on the program 7 normative documents are adopted, which prohibit labor of people under age (children). Specifically, the law prohibits child labor for over 3600 specific types of work (and prohibits employment of women in certain “hard jobs”). • National law also prohibits discrimination in employment. • In February 2015 in collaboration with international organizations, especially ILO Tajikistan approved National program on elimination of child labor. • Grievance mechanisms very well established in the Bank projects. Additional steps are taken to improve the mechanism, i.e. local NGO will be created to process and distribute grievances received to related agencies. • It is important to involve health workers in the worker and community protection aspects (cited an example of a contracted worker who was a Typhoid carrier) • A Participant asked for clarification regarding application of ESS2 to civil servants vs. contractors (important for both) • Tajikistan Government approved National program on elimination of child labor in collaboration with international organizations, specifically ILO. The program is under realization.
ESS3	Climate change and GHG emissions	<ul style="list-style-type: none"> • The relation between provisions on climate change in the ESF and broader climate change commitments, specifically UNFCCC • Proposed approaches to measuring and monitoring greenhouse gas (GHG) emissions in Bank projects and implications thereof, in line with the proposed 	

		<p>standard, including determining scope, threshold, duration, frequency and economic and financial feasibility of such estimation and monitoring</p> <ul style="list-style-type: none"> • Implications required for the Borrower of estimating and reducing GHG emissions for Bank projects, in line with the proposed standard 	
ESS5	Land acquisition and involuntary resettlement	<ul style="list-style-type: none"> • Treatment and rights of informal occupants and approach to forced evictions in situations unrelated to land acquisitions • Interpretation of the concept of resettlement as a “development opportunity” in different project circumstances 	<ul style="list-style-type: none"> • A participant asked whether the Borrower can ask for Bank support for resettlement even if the Bank is not funding the investment that requires the land acquisition.
ESS6	Biodiversity	<ul style="list-style-type: none"> • Operationalization of the provisions on primary suppliers and ecosystem services, especially in situation with low capacity • Role of national law with regard to protecting and conserving natural and critical habitats • Criteria for biodiversity offsets, including consideration of project benefits 	<ul style="list-style-type: none"> • The compliance of national legislation with requirements of WB new standards shall be checked out, if they prevail or harmonize.

		<ul style="list-style-type: none"> • Definition and application of net gains for biodiversity 	
ESS7	Indigenous Peoples	<ul style="list-style-type: none"> • Implementation of the Indigenous Peoples standard in complex political and cultural contexts • Implementation of ESS7 in countries where the constitution does not acknowledge Indigenous Peoples or only recognizes certain groups as indigenous • Possible approaches to reflect alternative terminologies used in different countries to describe Indigenous Peoples • 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 • Criteria for establishing and implementation of Free, Prior and Informed Consent (FPIC) • Comparison of proposed FPIC with existing requirements on consultation • Application of FPIC to impacts on Indigenous Peoples' cultural heritage 	
ESS8	Cultural Heritage	<ul style="list-style-type: none"> • Treatment of intangible cultural heritage 	

		<ul style="list-style-type: none"> • Application of intangible cultural heritage when the project intends to commercialize such heritage • Application of cultural heritage requirements when cultural heritage has not been legally protected or previously identified or disturbed 	
ESS9	Financial Intermediaries	<ul style="list-style-type: none"> • Application of standard to FI subprojects and resource implications depending on risk • Harmonization of approach with IFC and Equator Banks 	
ESS10	Stakeholder engagement	<ul style="list-style-type: none"> • Definition and identification of project stakeholders and nature of engagement • Role of borrowing countries or implementing agencies in identifying project stakeholders 	<ul style="list-style-type: none"> • Project stakeholders (related Ministries, Agencies, district departments etc.) shall be involved in the process of project realizations, including identification of project beneficiaries, monitoring and evaluation. • A participant noted that (unlike in ESSF) under Tajikistan law anonymous complaints are not accepted
General	EHSG and GIIP	<ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • 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 • Mitigation of additional burden and cost and options for improving implementation efficiency while maintaining effectiveness 	
Client capacity building and implementation support	<ul style="list-style-type: none"> • Funding for client capacity building • Approaches and areas of focus • Approach to implementing the ESF in situations with capacity constraints, e.g., FCS, small states and emergency situations 	
Disclosure	<ul style="list-style-type: none"> • Timing of the preparation and disclosure of specific environmental and social impact assessment documents (related to ESS1 and ESS10) 	
Implementation of the ESF	<ul style="list-style-type: none"> • Bank internal capacity building, resourcing, and behavioral change in order to successfully implement the ESF • Ways of reaching mutual understanding between 	A participant asked whether the ESF implies any changes with regard to Additional Financing

		Borrower and Bank on issues of difficult interpretation	
Other issues:			<p>Food security: Food security shall be included into the list of standards since it is directly relates to safety issues. What to do in case of natural disasters or climate change without ensuring food security.</p> <p>It is gratifying to know that WB updated its Environmental and Social Safeguard Policies. Several important standards are included in updated document.</p>