



Review and Update of the World Bank's Environmental and Social Safeguard Policies
Phase 3
Feedback Summary

Date: February 15, 2016

Location (City, Country): Dar es Salaam, Tanzania

Audience: CSOs

Key: C = Comment and Q = Question

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	<p>C: I commend the speaker and the Bank for this document however, how does the Bank's project in this country benefit PLWD? I carried a research in hospitals and found out that most of the hospitals are not disability friendly. There are no wheelchairs, no ramps, etc. PLWD should be included during project planning to ensure that their issues are factored into project designs.</p> <p>C: Projects are not inclusive enough such as in road projects, where there are no arrangement made to include disability accessible paths.</p>

		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 with Environmental and Social Standards (ESSs)	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	Q: How does using Borrower's Framework in implementing Bank projects compensate for when a farmer loses his cattle for instance?
	6. Role of Borrower frameworks in high and substantial risk projects		
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	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	C: A gendered assessment is very important because this will help factor in situation like in the Massai communities where women live longer than men.
	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 certain third parties (brokers, agents and intermediaries) 16. Application and implementation impacts of certain labor requirements to	C: My observation is that physical accessibility at work environments should be included in ESS2. Disability being a cross cutting issue, each ESS should be viewed with the eye of disability. Q: Why is this standard quiet about physical accessibility at work? C: ESS 2 seems to be focused on people working in formal sector and not in 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>	<p>C: A decent work agenda and strategy is not referred to in this standard, how about quality of care, access to drug and not just physical accessibility.</p> <p>Q: How do you balance the negative side of culture that impacts women and children under labor practices with the benefit of family run businesses?</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>Q: Climate Change affects our livestock which gives rise to conflicts. Does ESS 3 include addressing conflicts in a more sustainable way?</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>	<p>Q: In terms of land acquisition, how does the ESF advance finances to small holder farmers? And how is it operationalize?</p> <p>Q: How do you ensure preservation of peoples’ lands and still link that to resettlement and development?</p> <p>C: The word compensation is found everywhere in the draft, but we know that relocation happens and compensation is never paid. Bank should ensure that people are not relocated without compensation and that compensation should happen before the commencement of a project.</p> <p>C: Compensation that is tied to the extent of development of land should not apply to IPs.</p> <p>Q: What is the provision in the policy for where people are not interested in relocation?</p> <p>Q: What is the difference between forced eviction and eminent domain?</p>
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</p>	

		<p>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>Q: Tanzanian constitution does not recognize Indigenous People; what is the Bank’s experience in other regions like LAC, DRC?</p> <p>C: Definition of IPs needs to be discussed further.</p> <p>C: The flexibility of allowing countries choose their own terminology should not be allowed to be used to deny the existence of IPs.</p> <p>Q: Does the ESF link IP issues to Climate Change and issues of GHG emissions?</p> <p>Q: Six internationally agreed documents such as REDD, Paris agreement, etc all reference the recognition of IPs in Tanzania, and can’t these be considered and used to enforce the implementation of this standard in Tanzania?</p>

		36. Application of FPIC to impacts on Indigenous Peoples' cultural heritage	
ESS8	Cultural Heritage	37. Treatment of intangible cultural heritage 38. Application of intangible cultural heritage when the project intends to commercialize such heritage 39. Application of cultural heritage requirements when 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	<p>C: I propose that access to information be extended to include language accessibility to PLWD such as sign-languages and braille writing.</p> <p>Q: This Standard seems silent to – what measures would be taking by the Bank when borrower is not in compliance with this standard?</p> <p>C: To ensure that rural communities understand the projects and are involved in its design, their capacity should be built before project design and changes that are envisaged should be clearly laid out to the community. They should be fully engaged and informed and CSOs and community based NGOs should participate in implementation and monitoring as well.</p> <p>Q: What quality assurance measures does that Bank have to ensure that government is compliant to the stakeholder engagement as is being espoused by the standards?</p>

			<p>Q: How does the Bank ensure not a top down participation and that there are avenues for the rural population to ask questions to the LGAs?</p> <p>Q: How does the Bank ensure full accountability of Borrowers to its citizens?</p> <p>Q: How would CSOs be involved in monitoring projects? Third party monitoring of projects such as in the EITI?</p> <p>Q: How does verification of stakeholders be ensured and assured?</p> <p>Q: Is there a provision to do a post project monitoring in the ESF to ensure we are reaching the right people?</p> <p>C: Consultations alone might not be adequate unless every aspect of the community is involved such as women, youth.</p> <p>Q: How do you ensure culturally appropriate consultations and that the community have adequate skills to participate/engage?</p>
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	<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>	
	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>	<p>C: Capacity building should go beyond and include the concept of capability as well.</p> <p>C: Capacity building should not stop at the project level but should also be at the national level.</p> <p>C: I congratulate the team on the ESF and presentation. I would ask that the Bank should ensure capacity building of government officials in order to ensure sustainability and should link capacity building to the use of borrower Frameworks.</p>
	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	<p>Q: What is the ongoing monitoring process going to look like during implementation of the ESF and how would that contribute to the progress of the project?</p>

		52. Ways of reaching mutual understanding between Borrower and Bank on issues of difficult interpretation	
Other issues			<p>Q: How do you address the issue of immigrants in the ESF?</p> <p>Q: Why doesn't the ESF look at the population as a whole and address imbalances in the society such as aging?</p> <p>Q: To what extent is the ESF applicable to other Bank lending instruments such as the DPL and Program for Result PforR?</p>