

## FEEDBACK ON WORLD BANK DRAFT ENVIRONMENTAL AND SOCIAL FRAMEWORK

### ESS 1. Assessment and Management of Environmental and Social Risks and Impacts (by original paragraph number)

#### **31. For projects that are *High Risk*...**

Reword to recognise appropriate professional accreditation:

*For projects that are High Risk or contentious, or that involve serious multidimensional environmental or social risks or impacts, the Borrower may be required to engage one or more **accredited credentialed internationally recognized independent experts**. Such experts may, depending on the project, form part of an advisory panel or be otherwise employed by the Borrower, and will provide independent advice and oversight to the project.*

#### **49. The Borrower will monitor and measure**

Reword to recognise appropriate professional accreditation and the need for standard rather than optional independent expert verification and quality control:

*The Borrower will monitor and measure the environmental and social performance of the project in accordance with the legal agreement (including the ESCP). The extent of monitoring will be agreed upon with the Bank, and will be commensurate with the nature of the project, the project's environmental and social risks and impacts, and compliance requirements. The Borrower will ensure that adequate systems, resources and personnel are in place to carry out monitoring. The Borrower will engage stakeholders and third parties, including **accredited credentialed internationally recognized independent experts**, local communities or NGOs, to complement or verify its own monitoring activities. Where other agencies or third parties are responsible for managing specific risks and impacts and implementing mitigation measures, the Borrower will collaborate with such agencies and third parties to establish and monitor such mitigation measures.*

#### **50. Monitoring will normally include**

Delete the word "normally" because is too subjective and will see monitoring downplayed or disregarded.

#### **53. At the Bank's request, the Borrower will...**

Reword as follows to recognise appropriate professional expertise:

*At the Bank's request, the Borrower will facilitate site visits by Bank staff **credentialed, accredited and internationally recognized independent experts** acting on the Bank's behalf.*

## ESS 7. Indigenous Peoples (by original paragraph number)

### **8. Following a determination by the World Bank...**

Reword to emphasise need for independence in expert advice:

*Following a determination by the World Bank that Indigenous Peoples are present in, or have collective attachment to the project area, the Borrower may be required to seek inputs from appropriate independent specialists to meet the consultation, planning, or other requirements of this ESS.*

### **15. If specific actions relating to**

Reword footnote 6 to emphasise need for accreditation and independence of expert advisors:

*The format and title of the plan may be adjusted to fit the project or country context. The scope of the plan should be commensurate with risks and impacts. The determination of the appropriate planning scope, as well as determination of appropriate mitigation measures, may require the input of **credentialed, accredited and internationally recognized independent experts**. A community development plan may be appropriate in circumstances where others, as well as Indigenous Peoples, will be affected by adverse impacts or project risks, where more than one Indigenous Peoples group is to be included, or where the regional or national scope of a programmatic project incorporates other population groups. When all necessary information cannot be made available because project design or siting is not finalized, preparation of a planning framework is appropriate.*

### **19. Indigenous Peoples may be particularly vulnerable...**

Reword to include cultural heritage (as per ESS 7 para 11), to remove the subjective word “significant” and to emphasise need for accreditation and independence of expert advisors:

*Indigenous Peoples may be particularly vulnerable to the loss of, alienation from or exploitation of their land and access to natural and cultural resources (including cultural heritage). In recognition of this vulnerability, in addition to the General Requirements of this ESS (Section A) and those set forth in ESSs 1 and 10, the Borrower will obtain the FPIC of the affected Indigenous Peoples when the project will: (a) have impacts on land and natural resources subject to traditional ownership or under customary use or occupation; (b) cause relocation of Indigenous Peoples from land and natural resources subject to traditional ownership or under customary occupation or use; or (c) have impacts on Indigenous Peoples' cultural heritage. In these circumstances, the Borrower will engage **credentialed, accredited and internationally recognized independent experts** to assist in the identification of the project risks and impacts.*

### **23. Indigenous Peoples are often closely tied...**

Remove the word “significant”, which is too subjective and will result in irreversible impacts on traditional lands.

## **26. Where a project may significantly impact cultural heritage...**

Rewrite (i) to remove subjective and ambiguous terms that will result in irreversible impacts on indigenous cultural heritage, and (ii) to emphasize FPIC provisions:

*Where a project may impact cultural heritage connected to the identity and/or cultural, ceremonial, or spiritual aspects of Indigenous Peoples’ lives, priority will be given to the avoidance of such impacts. Where project impacts are unavoidable, the Borrower will obtain the FPIC of affected Indigenous Peoples. Where FPIC is not obtained, this aspect of the project will not proceed, as per paragraph 21 of this ESS.*

*NOTE: DO NOT ALTER FOOTNOTE 16 IN REWRITE*

## **27. Where a project proposes to use...**

Add the following to emphasise FPIC provisions:

*Where FPIC is not obtained, this aspect of the project will not proceed, as per paragraph 21 of this ESS.*

## **32. The Borrower may request...**

Reword to include cultural heritage as per ESS 7 para 11:

*The Borrower may request Bank technical or financial support, in the context of a specific project or as a separate activity, for preparation of plans, strategies or other activities intended to strengthen consideration and participation of Indigenous Peoples in the development process. This may include a variety of initiatives designed, for example, to: (a) strengthen local legislation to establish recognition of customary or traditional land tenure arrangements; (b) address the gender and intergenerational issues that exist among Indigenous Peoples; (c) protect indigenous cultural heritage and indigenous knowledge including intellectual property rights; (d) strengthen the capacity of Indigenous Peoples to participate in development planning or programs; and (e) strengthen the capacity of government agencies providing services to Indigenous Peoples.*

## **33. Affected Indigenous Peoples may themselves...**

Reword to include cultural heritage as per ESS 7 para 11:

*Affected Indigenous Peoples may themselves seek support for various initiatives and these should be taken into consideration by the Borrower and the Bank. They include: (a) support for the development priorities of Indigenous Peoples through programs (such as community-driven development programs and locally managed social funds) developed by governments in cooperation with Indigenous Peoples; (b) preparation of participatory profiles of Indigenous Peoples to document their culture, demographic structure, gender and*

*intergenerational relations and social organization, institutions, production systems, religious beliefs, cultural heritage and resource use patterns; (c) facilitating partnerships among the government, Indigenous Peoples Organizations (IPOs), CSOs, and the private sector to promote Indigenous Peoples' development programs.*

ESS 10. Information Disclosure and Stakeholder Engagement (by original paragraph number)

**5. For the purpose of this ESS...**

Reword footnote 1 to recognise the role of professional bodies:

*Other stakeholders are those not directly affected by the project but that have an interest in it. These could include national and local authorities, neighboring projects, professional and scientific bodies, or nongovernmental organizations.*

**16. The SEP will...**

Reword footnote 5 to recognise the role of professional bodies:

*For example, community and religious leaders, local government representatives, civil society representatives, professional and scientific bodies, politicians, teachers, and/or others representing one or more project-affected groups.*

**21. The Borrower will provide:**

Reword last sentence as the words “Where appropriate” are too subjective and will see stakeholders excluded for political and other reasons:

*All other stakeholders will also be included in the ongoing engagement.*

**ANNEX 1. Grievance Mechanism**

**2. The grievance redress mechanism...**

Reword (c) as follows to emphasize accessibility:

*Widely-accessible publicly advertised service standards outlining the length of time users can expect to wait for acknowledgement, response and resolution of their complaints;*