

## **UKEF Comments on WBSP Consultation Draft**

(Based on review of documents available at:

[http://consultations.worldbank.org/Data/hub/files/consultation-template/review-and-update-world-bank-safeguard-policies/en/materials/first\\_draft\\_framework\\_july\\_30\\_2014.pdf](http://consultations.worldbank.org/Data/hub/files/consultation-template/review-and-update-world-bank-safeguard-policies/en/materials/first_draft_framework_july_30_2014.pdf)):

### **General**

- Very much welcome closer alignment with IFC Performance Standards 2012 and the risk and outcomes- based approach.
  - Is it envisaged that the ESSs could be used by organisations other the World Bank?
- Q. Please could guidance be provided for the use of the WBSPs by other parties and outside of the limited range of financial structures?

### **World Bank Environmental and Social Policy**

- Note that WBSP states applicability limited solely to “Investment Project Financing”.
- Note that the proposed draft will replace the OP/BP 4.xx Safeguards series.
- Note that compliance with the ESSs is not required at outset and may be achieved within a project specific timeframe acceptable to the Bank (and articulated in an ESCP)

Q In footnote 9 query need to use the term “unique” in the phrase “and/or dependence on unique natural resources”

- The definition of Associated Facilities differs from that provided by the IFC (footnote 13 pg. 11 and others). Query need for difference (harmonisation?)
- Note that the assessment and management of risks for Associated Facilities are included to the extent that the Borrower has control and influence over these facilities. We also note that the ESIA is required to assess the impacts from these facilities regardless of the influence (ESS 1 para.30).

Q. Could further clarity or guidance be provided for scenarios where the ESIA highlights high E&S risk from associated facilities but the Borrower has low influence or control?

- The four classification terms differ from IFC PSs categories (high, substantial, moderate, low risk).

Q. Please could a comparison between IFC PS Category A, B, C and the proposed WBSP definitions be provided?

- It is not clear how consideration of inherent risks (as per IFC PS 2012 guidance) should or should not be included within the proposed classification system under WBSP. Please could further guidance be provided on this issue?
- Suggest inclusion of parties responsible for each commitment in the ESCP. Welcome the inclusion of an ESCP within legal documentation. Consider inclusion of a suggested format or an example(s) be provided in ESS1 Annex 2.
- Note the reference to process for ‘adaptive management’ of commitments (para 41).
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### **ESS1 Assessment and Management of Environmental and Social Risks and Impacts**

- Welcome the reference to inclusion of assessment of impacts from ‘reasonably foreseeable’ future developments as part of cumulative impact assessment (footnote 18).
- Note ‘immediate measures’ (para 54)
- Note ESS1 Annex 3. What expectations of the Bank has if these contracts are already in place?

### **ESS2 Labour and Working Conditions**

Q. Borrowers are required in the current draft to have in place labour management procedures (para 5), why are they not required to have in place labour policies as well as management procedures? Do the procedures only relate to Project? Is there potential for borrowers to not adhere to the requirements of

national law in other areas of their operations which are not funded by the World Bank? How would this risk be addressed?

Q. paras 6 to 8, there is no reference to the explicit prohibition of fees and charges to secure employment by agents or third parties.

- Comments specifically on the labour related provisions which apply only to the Project workers – develops risk that management plans in relation to other workers associated with the Project parties (but not working on the project), may not adhere to ESS2.
- Para 6 refers to Project workers as required by national law but no provisions included for project workers that are not recognised under national law (workers on contracts of less than 8 weeks within the UAE for example).
- Spelling in Footnote 2 should read “Migrant workers are workers who have migrated from one countRy to another or from one part of the countRy to another”.
- Propose that para 11 includes reference to worker organisations representatives that are recognised as legitimate by staff/workers.

Q. para 11, please provide clarification of appropriate worker organisations/alternative process in countries where national law does not recognise the right to form and join worker organisations?

- Suggested proposal for inclusion at the end of para 18 “Where countries require the retention of migrant labour passports, these documents will be made available immediately on request by the employee. The worker will be informed of this right upon employment.”
- Proposal for inclusion of the phrase, “Where voluntary labour is provided as part of a community agreement, the sponsor will acquire documented approval of their participation, which was acquired voluntarily.”
- Welcome requirement for a separate and dedicated worker grievance mechanism.
- Note the inclusion of project worker accommodation (para 21). Would welcome some further guidance. For example, with the similar requirements from the IFC published guidance has been referenced that sets out a range of criteria which can be applied in relation to worker accommodation (Workers’ Accommodation: Processes and Standards—A Guidance Note by IFC and the EBRD)

### **ESS3 Resource Efficiency and Pollution Prevention**

- Note the definition of GIIP (footnote 3).

Q. Please could clarity be provided on the evolution of GIIP to higher standards during the lifetime of the project, and particularly alongside the application of an ‘adaptive management’ process in ESS1 (for example, could capital improvements in technology or techniques be mandatory under GIIP?)

### **ESS4 Community Health and Safety**

- Para15 would benefit from clarity of inclusion of haul routes and distribution routes.
- Para 24 (g) suggest inclusion of the words “and communication” after the words “designated coordinator for ERP implementation.”
- Para 26 propose that the words “rules of engagement” are included after reference to “rules of conduct”.
- Para 27 Propose that the GIIP footnote (6) references the Voluntary Principles on Security and human rights.

### **ESS5 Land Acquisition, Restriction on Land use and Involuntary Resettlement**

- Para 1 Good coverage within definitions of land acquisition and land use and economic displacement.
- Para 6(c) proposal to include the phrase “with specific attention to gender groups.”
- Para 13 proposal to include the phrase “Cost of any tenure related administrative fees to secure tenure of property for eligible parties, may, if deemed appropriate, be deducted from the compensation package.”

### **ESS6 Biodiversity Conservation and Sustainable Management of Living Natural Resources**

- Objectives could define what a precautionary approach is
- Welcome the addition of para 10 that Bank funds cannot be used to finance or support projects that would involve a significant conversion or degradation of critical habitats.
- Para 13 could contain a link to other relevant ESSs that relate to indigenous peoples or stakeholder engagement.
- Welcome the supply chain clarification in which borrowers to assess primary suppliers stringently in areas where critical habitats may be compromised (para 32).
- Welcome inclusion of man-made habitats in protection, not just natural resources.
- Overall the ESS could reasonably contain far more detail and depth, to be consistent with IFC PSs and give greater clarity.

### **ESS7 Indigenous Peoples**

- Para 6, IFC PS require that groups meet 3 out of the 4 categories (or equivalent). Can envisage cases where IP groups might not meet all criteria (in particular b and d). Are there plans to amend this definition?
- Q. para 9, will there be some guidance on developing “alternative approaches” in circumstances where the identification of IPs may lead to exacerbation of existing tensions?
- Para 15, footnote 6 propose that the word “may” be changed to “should” in the sentence: “The determination of the appropriate planning scope, as well as determination of appropriate mitigation measures, may require the input of competent professionals.”

### **ESS8 Cultural Heritage**

No comments

### **ESS9 Financial Intermediaries**

No comments

### **ESS10 Information Disclosure and Stakeholder Engagement**

- Footnote 3, suggest removal of “unique”, as in unique natural resources.
- Para 15, propose the inclusion of the words “and documented” after the phrase “The SEP will set out how communication with stakeholders will be handled”
- Para 16, request that the guidance notes include examples of “reasonable efforts” with respect to ensuring that community representatives that input into stakeholder dialogue do represent community issues and concerns.
- Para 17, proposed that final words of paragraph “where appropriate” are removed.
- Annex 1, Q. Suggest inclusion of the terms “at no cost to the users” and “without retribution to the user”
- Annex 1, 2(a) Propose that a standard format for collecting information in relation to the grievance is developed.

### **Glossary**

Spelling on p.102 under definition of Project Worker in last sentence. Should read “Migrant Workers are workers who have migrated from one countRy to another or from one part of the countRy to another.”

End.