

**IPIECA/IOGP COMBINED MEMBER COMMENTS ON THE WORLD BANK ENVIRONMENTAL AND SOCIAL FRAMEWORK**

<b>Section heading</b>	<b>Section sub-headings</b>	<b>Paragraph or Page Number(s)</b>	<b>Comment</b>
Overview of the World Bank's Environmental and Social Framework		Page 1	The document refers to a number of international standards. However it does not refer to UNGPs or Voluntary Principles at all. Suggest including them as international standards to be referred to.
		Para 4, Page 1	While it is certainly the goal of the World Bank Group to reduce poverty and increase prosperity in a sustainable manner not all Borrowers may necessarily have a similar goal.
A vision of sustainable development		Para 5& 7, page 6	<p>Para 5: In the document, project level impacts on climate change are addressed. However, the impacts of climate change on the project are not considered. We believe this is a gap in the Framework.</p> <p>Para 5: Include the focus on creating value for the local communities, maximizing benefits related to job creation, and training. Aim to increase living standards</p> <p>Para 7: Understanding laws and expectations related to local content</p>
<b>World Bank Environmental and Social Policy</b>			
	Purpose		
	Objective and Principles		
	Scope of Application	Para 7, page 10	<p>Timeframe of Applicability of the Framework and the ESSs regarding the project:</p> <p>It is important to clearly state (at least once) in the main Framework document that the World Bank only has (direct) oversight of a project during its defined financing period – once a loan has been repaid in full by the Borrower, this (direct) oversight ends and the Bank can only influence the remaining portion of a project's life-cycle.</p>
	Scope of Application	Para 9, page 10-11	Clearer definition for existing activities. This could be very broad and the requirement to make all existing related activities compliant with ESS should be based on risk.
	Scope of Application	Para 11, page 11	<p>The following is stated: "The Bank will require all Associated Facilities to meet the requirements of the ESSs, to the extent that the Borrower has control and influence over such Associated Facilities."</p> <p>This requirement is most likely very difficult to implement and could lead to the non-viability/cancellation of a proposed project. In addition, this requirement could be</p>

			<p>interpreted as the Bank independently determining whether there is “control and influence” (very broad terms in a legal sense) and whether there is a bona fide direct association of Associated Facilities with a project.</p> <p>Accordingly, the World Bank should remove this requirement.</p>
	Bank requirements	Para 16, page 12	<ul style="list-style-type: none"> <li>• The document needs more explanation – currently it could be read as if once your plans are approved by the bank, you <u>can</u> cause material or significant adverse impacts.</li> <li>• There is confusion over which of the standards is a “requirement” and which is an “expectation”. In the policy there are general statements that Borrowers will be required to meet the requirements of the ESSs (paragraph 13 and 17) and a specific requirement to meet ESS1 (paragraph 14). But within ESS1 (e.g. at clause 1) it makes reference to an obligation to “consider” other standards suggesting some flexibility (which may well be appropriate and intended). There needs to be clarity and consistency here.</li> </ul>
	A. Classification	<p>Para 18, page 12</p> <p>Para 20-21, page 12</p>	<p>In many instances, it would be technically impossible for existing facilities and operations to comply with this expectation/requirement. Even if a retrofit/replacement were technically possible, it would most likely be cost-prohibitive. Furthermore, having to replace existing equipment and components at an existing operating facility so that it would conform to this requirement could render the existing facility or operation non-viable. This could lead to its closure and the resulting loss of employment and economic benefits to local communities and host-country governments. Ultimately, this requirement could lead to the cancellation of a proposed project. ExxonMobil opposes this retroactive requirement and its application to existing facilities and operations. The World Bank should therefore remove this retroactive requirement in the go-forward Framework.</p> <p>More explanation of each category classification (high, substantial, moderate, low) is needed in an attachment to help the Borrower get a better understanding.</p>
	B. Use and Strengthening of Borrower’s Framework	<ul style="list-style-type: none"> <li>• Page 13</li> <li>• Page 13, para</li> </ul>	<ul style="list-style-type: none"> <li>• It needs more explanation on the obligation of both parties regarding any changes of the local/national regulation regarding ES Procedure that will impact conformance to the agreed ESSs/ESCP.</li> <li>• Para 23-25: Will this result in less due-diligence work by World Bank, and will World</li> </ul>

		23-25	Bank involvement be only at a later stage of the process if it relies more on the Borrower's E&S Framework vs. its own due diligence? Not clear how the process works and how the identified gaps will be addressed.
		<ul style="list-style-type: none"> <li>• Para 20, page 12</li> </ul>	<ul style="list-style-type: none"> <li>• Para 20: Need to define the word "relevant". The requirement to consider cumulative impacts in unplanned activities can be difficult to impossible.</li> </ul>
	C. Environmental and Social Due Diligence		
	D. Special Considerations		
	E. Environmental and Social Commitment Plan (ESCP)		
	F. Information Disclosure		
	G. Consultation and Participation		
	H. Monitoring and Implementation Support		
	I. Grievance Redress and Accountability	Para 50, page 18	It is acknowledged that project-related grievances must be able to be easily/straightforwardly submitted, processed/managed in a timely manner, and the results need to be clearly and transparently provided to the submitter. However, it is variously stated in the Framework that project-related grievances need to be "resolved". The reality is that not all grievances/complaints are able to be resolved to the mutual/complete satisfaction of the involved parties – in some instances, one or both parties will continue to disagree or be discontent. Accordingly, throughout this document, use of the terms "resolve" and "resolution" in the context of grievances/complaints should be placed with "manage" or "management".
	Institutional and implementation arrangements		
<b>Borrower Requirements – Environmental and social standards 1-10</b>			
ESS1. Assessment and Management of	Introduction	<ul style="list-style-type: none"> <li>• General comments</li> </ul>	<ul style="list-style-type: none"> <li>• The new framework provides flexibility for the World Bank to defer to countries' own environmental and social impact frameworks. Will the World Bank provide guidelines and/or classification on acceptability of local/national environmental and</li> </ul>

Environmental and Social Risks and Impacts		<ul style="list-style-type: none"> <li>• Para 3, page 21</li> </ul>	<p>social frameworks?</p> <ul style="list-style-type: none"> <li>• ESS1 works for ‘large’ Borrowers with well-established impact and risk management processes, such as ISO 14001, but may prove too onerous for smaller Borrowers that do not have the capacity and resources in the early stages of a project. For that reason, any loan agreement should emphasise the need to allocate adequate resources to support E&amp;S work.</li> <li>• It is recommended that health is added to E&amp;S standard requirements for impact assessment where relevant, and to add health baseline as a requirement for all projects.</li> <li>• Contractor responsibility/capability is crucial in the implementation of and adherence to mitigation plans, programmes and monitoring of such programmes. This needs to be enhanced in text.</li> <li>• Need to acknowledge that ownership of a plant / facility may be transferred to a third party during the life of a project. What happens if the original Borrower’s commitments may no longer be achievable?</li> </ul>
	Objectives		
	Scope of Application		
	Requirements		
	A. Use of Borrower’s ES Framework		
	B. Environmental and Social Assessment	<p>Para 21 (and others), Page25</p> <p>Para 22 (and others)Page26</p> <p>Para 25, P26</p>	<ul style="list-style-type: none"> <li>• It would be advantageous for the World Bank to incorporate the well-established and internationally recognized (i.e., see ISO 14001) concept of environmental and social “aspects” into the Framework versus continuing to employ an “impacts”-based approach.</li> <li>• The “avoid/minimize/mitigate/compensate/offset” (environmental and social risk/impact management) hierarchy is evolving towards a more simplified “avoid/reduce/remedy” representation, where “compensate” and “offset” [in the context of material residual risks/impacts to biodiversity and/or habitats classified as “critical”, “threatened” or “sensitive”] are embodied in “remedy”. As noted below, use of the term “minimize” in the context of the mitigation hierarchy is inappropriate. It is recommended that the revised Framework adopt</li> </ul>

		Para 26.p27	<p>the “avoid/reduce/remedy” representation when referring to the “mitigation hierarchy”.</p> <ul style="list-style-type: none"> <li>• Para 26: The term “living natural resource” is open to interpretation and should be clarified. For example, does it include freshwater resource that has the capacity to support living resources, but is not a living resource?</li> <li>• The footnotes could usefully be part of the text.</li> </ul>
		Para 31, Page 28	<p>Advisory panels CANNOT oversee or otherwise direct a project - this is the responsibility of a project proponent (i.e., the Borrower). The remit of advisory panels must be limited to observing and providing comments and advice (to the Borrower/project proponent/project and the World Bank) related to a financed project during the World Bank-financed period.</p>
		Para 36,Page29 Para 43,Page30	<ul style="list-style-type: none"> <li>• Very repetitive with previous sections.</li> <li>• Unclear wording as in Policy para 16.</li> </ul>
	C. Environmental and Social Commitment Plan		
	D. Implementing the ESCP		
	E. Project Monitoring and Reporting		
	ESS1 – ANNEX 1		
	ESS1 – ANNEX 2		
	ESS1 – ANNEX 3	Page 35	Text states “ <i>Incorporating all relevant aspects of the ESCP into tender documents</i> ” - WB Environmental Social Framework - for some projects (e.g. construction of drilling rigs), tender documents may be prepared well in advance of a project-specific ESCP. In such a case, reference to the ESCP may not be appropriate.
ESS2 Labour and Working Conditions	Introduction	General comment	It would assist if some references related to IFC requirements on workforce welfare were added; and a common standard should be applied to all workers for e.g. sleeping accommodation capacity.
	Objectives	General	Include: To promote the freedom of association and the right to collective bargaining (where such issues are prohibited by law ensure other mechanisms for the workers to engage and discuss their rights)

	Scope of Application	Page 36, para 3	There needs to be greater clarity on what“project implementing agencies” means and therefore the scope of who is and who is not a project worker.
	Requirements		
	A. Working Conditions and Management of Worker Relationships		
	Terms and conditions of employment	Para 6, page 37 Para 7, page 37	<ul style="list-style-type: none"> <li>• Suggestion for para 6: The terms of employment will be provided in a language the worker can understand. It should also specifically say that the direct employer provide this information.</li> <li>• Para 7: Suggest that “adequate” be omitted as it is not necessary due to national law requirement.</li> </ul>
	Non Discrimination and Equal Opportunity	Para 9 &10, page 37	<ul style="list-style-type: none"> <li>• Para 9 &amp;10: Suggest that inherent be removed in the description of job requirements. Not necessary.</li> <li>• Para 9: Suggest last sentence be moved to the first sentence to qualify first.</li> </ul>
	Worker’s organisations	Para 11, page 37	Suggest "needed" be removed in the last line. Subjective and changes country-to-country.
	Grievance Mechanisms	Para 12, page 38 Para 13, page 38 Footnote 4d, page 38 Footnote 5, page 38	<ul style="list-style-type: none"> <li>• Para 12: Suggest "recruitment" be changed to "hire" as it is clearer in varying cultural contexts.</li> <li>• Para 13: Suggest "independent" be removed or make it more clear. Most GMs are handled within companies and are not independent.</li> <li>• Footnote 4d: Suggest unhealthy be removed. That is subjective and isn't necessary due to the following terminology</li> <li>• Footnote 5: Is receipt in the official definition? Suggest it be omitted.</li> </ul>
	B. Protecting the Work Force		
	Child Labour		
	Forced Labour	Para 18, page 38	Suggestion for para 18: Where migrant workers are engaged, these workers will enjoy equal rights as national workers (ref according to ILO).Consider to add a footnote describing definition of migrant workers.
	C. Occupational Health and Safety (OHS)	Para 21,Page 39	Preventive measures should be more specific, e.g. appropriate PPE and training in its use should be included. Suggest "appropriate" be omitted in the second reference. Not necessary due to previous use. Also "be" is missing between will and put in last sentence.
ESS3. Resource Efficiency and Pollution Prevention	Introduction	General comment Footnote 1&2	<ul style="list-style-type: none"> <li>• General: Generally, the requirements are broadly written at a practical level make demonstrating compliance a challenge. Water use and pollution prevention refer to cumulative and/or assimilative capacity of the environment</li> </ul>

			<ul style="list-style-type: none"> <li>Footnote 1&amp;2: Text states “generally result in encouraging a reduction of GHG emissions.” It is important to recognize that there are exceptions where pollution abatement involves additional energy and GHG emissions (e.g. use of incinerators, have spare equipment running to cope with occasional upsets).</li> </ul>
Introduction	Para 1, Page 40		In accordance with standard internationally recognized approaches including but not limited to BATNEEC (Best Available Technique Not Entailing Excessive Cost), BACT (Best Available Control Technology), BATEA (Best Available Treatment Economically Achievable), and BPOE (Best Practicable Environmental Option), pollution prevention and reduction/control options must be technically sound, commercially available and economically feasible. These fundamental requirements must be clearly and unambiguously stated in the Framework.
Objectives			
Scope of Application			
Requirements			
Resource Efficiency	Para 4, page 41		Implementation of “technically and financially feasible measures in consumption of energy and water” should be risk based, particularly with respect to water where the local hydrological regime is a key factor e.g. in a water “abundant” area, developing water consumption minimisation practices (e.g. water recycling) may result in increased waste and/or energy lowering the net environmental benefits.
A. Greenhouse Gases			
B. Water Consumption	Para 7 & 8, page 42&42		<ul style="list-style-type: none"> <li>Water consumption needs to be defined, There are many different definitions. Is it related to freshwater only?</li> <li>Para 7: Potentially significant consumer of water’ –seems a criteria subject to perception as much as data – triggers additional requirements to reduce or avoid water usage.</li> <li>Para 8: High water demand is defined subsequently – and requires a detailed water balance to be reported annually</li> </ul>
Pollution Prevention	Para 12,Page 42		It is uncertain whether a “Precautionary approach” is being advocated as a default only when detailed knowledge is not available. It is recommended that this is clarified.
A. Wastes	Para 14, page 43		Wastes – ‘Borrower will reduce the generation of waste’ - this is not clear and what is the baseline for ‘reduction’?
B. Hazardous Materials			

	Management		
	C. Pesticide Use and Management	Para 22 & 23, page 44	Check - Section 22 describes emergency events as unanticipated incidents from natural and man-made hazards e.g. fire, explosions, spills. But Section 23 uses the same term and says only projects dealing with officially hazardous substances above a certain threshold are required to have an Emergency Response Plan. What is the intended scope of these two sections - is it different for each of them, or is it the same?
	D. Monitoring and compliance	Para 23, page 45	Requires monitoring the impacts not only on the environment but also on project-impacted communities and workers.
ESS4 Community Health and Safety	Introduction	General comments	<ul style="list-style-type: none"> <li>• Traffic and road safety section - 16; add marine and air traffic safety.</li> <li>• Hazardous materials management and safety 21; add <u>all</u> waste, not just hazardous</li> <li>• Emergency preparedness 22 – 25: add infectious disease outbreak/pandemic.</li> <li>• This should include medical facility capacity review in the event of an incident and providing facilities for workforce to avoid over-burdening what is in place. Although the focus of the document is not health, there is still no mention of it at all in emergency preparedness.</li> <li>• There is frequent mention of climate change or climate change considerations in identification or planning for community health and impacts. Guidance on how a project developer identifies the Climate Change status for the region would be helpful.</li> </ul>
	Objectives		
	Scope and application		
	Requirements		
	A. Community Health and Safety	Para 6, page 46	Explain (give examples) what GIIP is, as generally World Bank standards are considered as International Best Practice.
	Infrastructure and equipment design and safety	Para 9, page 47	What is the definition of "high risk locations" in context of Community Health and Safety?
	Product and services safety		
	Traffic and road safety	Para 15, page 48 Para 16, page 48	<ul style="list-style-type: none"> <li>• Para 15: Most companies differentiate between workers' safety risks and risks to community health and safety. Suggest removing safety risks to workers.</li> <li>• Para 16: Road safety and road maintenance is generally done by the governments</li> </ul>



			and not always appreciated if taken over by the private developers, unless it is a private road.
	Impacts on the Environment		
	Community exposure to disease		
	Hazardous materials management and response		
	Security Personnel		
	ESS4 – ANNEX 1. Safety of dams		
	A. New Dams		
	B. Existing Dams and Dams under construction		
	C. Dam safety reports: content and training		
ESS5 Land Acquisition, restrictions and land use and involuntary resettlement	Introduction	General comments	<ul style="list-style-type: none"> <li>• The Standard might need additional guidance document to explain/describe categories of users that may have informal arrangements with land owners- labor, sharecroppers, and tenants (especially in case of commercial/small industrial units) or manage situations involving polygamy.</li> <li>• Recognize that the land acquisition and resettlement may be government’s responsibility in many countries, and private companies have very limited input in deciding the rates of compensation and their payments.</li> <li>• Many users such as squatters may not be recognized by the national laws.</li> </ul>
	Objectives	General comments	<ul style="list-style-type: none"> <li>• Living standards is a very subjective term. Please change it to levels of income and/or access to amenities.</li> <li>• Security of tenure is generally more critical or needed for people who may not have legal rights over the land/property affected by the project, but may not be recognized by the national laws.</li> </ul>
	Scope of application	General comments	<ul style="list-style-type: none"> <li>• Bullet 4b: What about users in case of negotiated settlements? How would the project developer obtain access to users in case of negotiated settlement, as that is typically only with the owner, with no census survey to identify the users?</li> <li>• Bullet 4 f and g: How would the developer know if the full compensation was paid? What if the land was acquired by the government for larger development such as an SEZ rather than a particular project? Also, if it was acquired a few years before the project considered the location?</li> </ul>
	Requirements		
	A. General		

Eligibility criteria		
Project design		
Compensation and Benefits for Affected Persons	Para 10, page 59	<ul style="list-style-type: none"> <li>• It is difficult to promise direct development benefits from the project, as governments receive the revenues from the projects, and it is usually up to them to use it for development benefits. And, social investments should not be linked to resettlement. Resettlement planning should be an independent exercise that identifies all potential impacts to project affected people and develop mitigation measures to mitigate all project induced impacts.</li> <li>• The Standard states that the people with no recognizable land rights will not be paid compensation for land, but this para suggests resettlement assistance should be provided in lieu of compensation. Most government agencies will oppose it and most developers may not be in favor of applying it in all situations. This should only be in cases where the PAPs are vulnerable, but should not be a blanket requirement.</li> </ul>
Community engagement		
Grievance mechanism		
Planning and Implementation	Para 17(d), page 61	Bullet d: It falls within state or national government's purview and project developers may have limited inputs, especially if the users do not have legal/recognizable rights.
B. Displacement		
Physical Displacement		<ul style="list-style-type: none"> <li>• It may not be practical to develop a resettlement plan for a very small number of displaced people. Suggest adding "to scale" or "fit for purpose".</li> <li>• For small number of displaced people, may be impractical to identify and implement development opportunities.</li> </ul>
Economic Displacement	Para 30, page 64 Para 31, page 64	<ul style="list-style-type: none"> <li>• Para 30, bullet c: What about encroachment before cut off? Is there an eligibility criterion for people with no land rights- such as years of occupation? What about opportunistic buyers who buy land at lower prices in hope getting larger compensation?</li> <li>• Para 31, bullet b: Clarify entitlements for those users whose rights are not recognized, but they depend on natural resources for their livelihoods.</li> </ul>
C. Collaboration with Other Responsible Agencies or Subnational Jurisdictions	Para 33	<ul style="list-style-type: none"> <li>• Guidance on mechanism for Companies to pay supplemental or top up payments when the compensation paid by the government is found to be inadequate would be helpful.</li> <li>• Good comments on collaboration with key stakeholders. It is important to have this</li> </ul>

			section in there because otherwise it sounds like the Borrower is working directly with affected peoples when typically there are third parties (gov't, etc) involved
ESS6. Biodiversity Conservation and Sustainable Management of Living Natural Resources	Introduction	Para 1&2	The term “ecosystem services” could be included. That would also increase similarity between the new WB standard and the <a href="#">IFC PS 6</a>  “Ecosystem services” are defined as “the benefits that humans derive from the environment”. Ecosystem services are typically classified using four major groupings: Supporting, Provisioning, Regulating and Cultural. The concept of “ecosystem services” has become well-entrenched in recent years, and accordingly, it would be advantageous for the Framework to make reference to and incorporate this concept throughout its text (as appropriate), particularly in ESS6.
	Objectives		
	Scope of Application		
	Requirements	Para 7, page 66 & para 15, page 68	The definition of critical habitat is too broad. For example, this definition is all-encompassing in marine realm (e.g. many endangered marine turtles or saw fish have near-global distribution).  In addition, the definition of this term, as it applies to the marine environment, does not in fact provide for the differentiated risk management approach, which is the stated intention. It may give rise to significant practical difficulties in meeting later requirements.
	A. General	Para 7 (footnote 2) page67	“ <i>Priority biodiversity features</i> ” - this includes ‘vulnerable’ species. Is this according to the IUCN Red list classification? Application of these broad definitions in the marine environment may prove cumbersome.
	Assessment of risks and impacts	Para 14, page 68 Para 11 page 68 Para 12, page 68	<ul style="list-style-type: none"> <li>• Para 14: In part reads that... it is required that a “precautionary approach” be taken. An explanation of what this means is required. Perhaps the recommendation should be to take a “risk-based” approach?</li> <li>• Para 11: Text refers to “<i>regardless of the current degree of their disturbance or degradation.</i>” Does this mean that the Borrower has to consider the pristine environment before any development? Correct interpretation will require clarification in the text or additional guidance.</li> <li>• Para 12: Text refers to ‘<i>baseline conditions to a degree that is proportional and specific to the anticipated risk and significance of impacts</i>’. Cost of establishing baseline conditions is also a factor. Correct interpretation will require additional guidance.</li> </ul>

	Biodiversity conservation	Para 15 page 68	<p>Net gain of biodiversity. There is as yet little experience on how to achieve net gain, and what to measure, particularly in the marine environment. This will require additional guidance and demonstration projects.</p> <p>Involvement of <i>'external experts with knowledge in offset design and implementation.</i> Are there sufficient experts available with demonstrable experience in countries of interest?</p> <p>Offset is likely to be contentious in many jurisdictions (e.g. ownership and community acceptance of offset areas). There will be questions about the measurement of conservation outcomes, the required duration of an offset measure, and how offsets can be sustained beyond the lifetime of a project / transfer of production operatorship.</p> <p>This will require additional guidance / clarification.</p>
	Legally Protected and Internationally recognised areas of biodiversity value		
	Invasive alien species	Para 24, page 71	<p>In part reads that... "Where feasible, the Borrower will take measures to eradicate such species from the natural habitats over which the Borrower has management control." This seems a little bit like overkill—would we be required to do so if surrounding lands were also covered in AIS? Feasible is different from will it be worth the effort to restore natural habitat by removing the AIS?</p>
	Sustainable Management of Living Natural Resources		
ESS7. Indigenous Peoples (IPs)	Introduction	General comments	<ul style="list-style-type: none"> <li>• IFC in its Performance Standards makes a specific statement saying that FPIC does not mean veto. Is there any reason why WB does not include such statement?</li> <li>• Overall, the standards require the cooperation of host governments to be implemented effectively. While the standards acknowledge the lack of standard global definition of IP, host governments would also need to be aware of the criteria being applied and buy in on some level. Some jurisdictions will go far beyond these standards in legislative requirements (in places like Canada). Other jurisdictions may see conflict between government approvals and the</li> </ul>

			'need' to have free and informed consent of IP as well.
Objectives			
Scope of Application	Para 7, page 76		What is the rationale behind the phrase “...during the lifetime of members of the community or group...” Using this timeframe as criteria doesn't seem to strengthen the objective or implementation of the ES.
Requirements			
A. General			
Projects designed specifically to benefits IPs	Para 12, page 77		The definition of the word “ownership” as used, and the manner in which an operator would ensure their ownership is not clear. If this refers to an equity position in the project, that could be problematic. There are numerous ways projects can be designed to specifically benefit Indigenous Peoples other than ownership. In practical terms, the IP's should help identify what benefits can be derived.
Providing Equitable Access to Project Benefits			
Avoidance or Mitigation of Adverse Impacts	Para 18, page 78		One thing that should be added here is the manner in which consultation happens. In our experience, what helps make consultation meaningful are consultation activities that make the dialogue understandable and receptive to feedback, such as including translators in the indigenous language, use of layman's terms, minimization of technical terms and jargon (which are difficult or impossible to accurately translate).
Meaningful consultations tailored to IPs			
B. Circumstances requiring Free, Prior and Informed Consent (FPIC)	Para 20, page 79 (also para 45, page 17)		The World Bank acknowledges that a definitive and globally recognized/accepted definition of the “consent” requirement in the context of FPIC continues to be lacking. However, there is no follow-up statement to the effect that “consent” does not constitute a veto of a project by Indigenous Peoples. It is critically important that the World Bank include a clear and unambiguous statement in the Framework to the effect that “consent” does not constitute the right of Indigenous Peoples to veto a project. Also, with regard to FPIC, the requirement to “obtain the FPIC” (of Indigenous Peoples) represents a very high barrier and is inconsistent with other text in the Framework that (rightly) highlights the fact that FPIC “does not require unanimity and may be achieved even when individuals or groups within or among affected Indigenous Peoples explicitly disagree.”
Impacts on land and natural resources subject to traditional ownership or under customary	Para 23, page 79		It is inappropriate for the World Bank to use a funded project as a mechanism for rectifying actual or perceived (and potentially longstanding) legal shortcomings regarding project-associated lands that are used or inhabited by Indigenous Peoples.

	use or occupation		Such a requirement could lead to schedule delays that could render a project non-viable. No linkages between rectifying Indigenous Peoples land claims/rights legal matters and project financing can be established.
	Cultural heritage		
	C. Mitigation and development benefits		
	D. Grievance mechanism		
	E. IPs and broader development planning		
ESS8. Cultural heritage	Introduction		
	Objectives	Page 75, 4 <sup>th</sup> bullet	The concept of “timeframe acceptable to them” in regard to Indigenous Peoples could lead to delays in projects that could render them non-viable – i.e., this requirement could be used as an oppositionist tactic by project area Indigenous Peoples to delay a project to the point that it is no longer viable. Therefore, this phase needs to be reworded (i.e. “an appropriate timeframe”).
	Scope of application		
	Requirements		
	A. General		
	B. Identification of stakeholders and consultation	Para 13, Page 85	<p>Relevance of (project stakeholders)</p> <p>Frequently, some individuals/groups (especially those outside of a project’s area) represent themselves as “stakeholders” in regard to a project, but in fact they have no relevance to the project; therefore they should not be allowed to have an influence on or standing in a project’s stakeholder engagement program and its outcomes.</p> <p>Accordingly, it is critically important that the Framework and its associated ESSs include a “relevancy” requirement with regard to a project’s stakeholders. Of primary relevancy with regard to stakeholders are communities/individuals directly affected by a project (i.e., project area communities or project-affected communities).</p>
	Disclosure and Confidentiality		
	Community Access		
	C. Provisions for Specific Types of Cultural Heritage		
	Archaeological sites and artefacts		
	Historical structures		

	Natural features with cultural significance		
	Moveable cultural heritage		
	D. Commercialisation of intangible cultural heritage		
ESS9 Financial Intermediaries	Introduction		
	Objectives		
	Scope of Application		
	Requirements		
	A. Organisational capacity within the FI		
	B. Environmental and social procedures		
	C. Stakeholder engagement		
	D. Reporting to the Bank		
ESS10 Information disclosure and stakeholder engagement	Introduction		
	Objectives		
	Scope of Application		
	Requirements		
	A. Information Disclosure		
	B. Engagement during project preparation		
	Stakeholder identification and analysis		
	Stakeholder engagement plan	Para 14, page 94	Text reads: <i>The SEP will be disclosed.</i> To whom? Could this be restricted to ‘ <i>Relevant elements of the SEP</i> ’, thus allowing for a culturally appropriate information sharing only to those stakeholders that need to know? Is it correct that the SEP serves two purposes, (i) satisfy World Bank, (ii) inform relevant stakeholders - which may require a different type of documentation?
Meaningful consultation	Para 18, page 95	Would be helpful to have clarification on what “adequately documented evidence of stakeholder engagement” entails.	

	C. Engagement during project implementation and external reporting		
	D. Grievance Redress	Para 23, page 97	Introduction of Grievance redress process – is this new and could this conflict with the role of an external panel? Suggestion - (i) to make reference to appropriate interaction with national grievance mechanisms at paragraph 23, and (ii) to clarify 2f in Annex 1 - which currently appears to indicate that the grievance mechanisms provided by the project need to include within the project processes appeal rights to separate national grievance processes. Private remedy processes (provided by the project) and public remedy processes (i.e. legal processes provided externally to the project) are presumably intended to remain separate so it's unclear what is intended by 2f.
	E. Organisational capacity and commitment		
	ANNEX 1. Grievance mechanism		
Glossary	Glossary		
		Inappropriateness of the Glossary Term "Pollution Management"	As written, the definition only applies to GHG emissions versus the full suite of air emissions species (e.g., NOx, SO2, PM, etc.). Accordingly, the definition should be recast as "GHG Emissions Management".
		Recommendation to Include a definition for "Audit"	The term "audit" is normally reserved for financial dealings. Therefore, throughout this document, "audit" should be replaced with "evaluation" or "assessment".
		Recommendation to Include definitions for "restore"/"restoration", "reclaim"/"reclamation" to clarify the	In many instances in the text of the Framework and the ESSs (particularly in ESS6 but also in ESS4 and ESS8), the terms "restore" and "restoration" are used inappropriately in reference to rectifying project-attributable disturbances to the physical environment. From a legal point of view, "restore" means to return a disturbed physical environmental attribute to a condition that is exactly the same as that which existed prior to the disturbance. In many instances, this is technically impossible, and if it is possible, the incremental cost required to attain this benchmark does not translate into substantial



		differences	<p>net environmental/ecological benefits.</p> <p>In place of the terms “restore”/”restoration”, the terms “reclaim”/”reclamation” or “rehabilitate”/”rehabilitation” should be used since they refer to returning a disturbed physical environmental attribute to a stable and useful state - a more appropriate benchmark.</p> <p>Throughout ESS6 in the resettlement context, the terms “restore” and “restoration” are used. While the concept of “restore”/”restoration” in regard to resettlement is nominally correct, the on-the-ground reality is that the livelihoods/incomes/living standards of resettled individuals/communities may not be exactly the same as they were prior to resettlement. In some instances, a resettled individual may be set up in a different profession that provides a similar or higher income (e.g., a former fisherman becomes a farmer, a former house builder becomes a mechanic). Similarly, the dwelling of a resettled family may be of better quality versus what they had previously. Therefore, equivalency (or better) is the correct requirement, not “restore”/”restoration”.</p>
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