**World Bank consultation feedback – Environmental and Social Framework (ESF) Draft Guidance Notes for Borrowers**

*December 2017*

Sightsavers has reviewed the World Bank Environmental and Social Standards (ESSs) available for public consultation. Given our organisational focus we have paid particular attention to, and fed back directly on the draft Guidance Note for ESS1 *Assessment and Management of Environmental and Social Risks and Impacts*, and ESS10 on *Stakeholder Engagement and Information Disclosure*.

We have found both sets of guidance to be comprehensive, detailed and a clear demonstration of the World Bank’s commitment to minimising risks associated with Bank funded projects. The guidance include a number of critical points for Borrowers to consider when implementing the ESF.

We have drafted the below comments as general observations and suggestions for how the draft guidance could be further strengthened, firstly in general and then through the lens of inclusive development. Along with this document, we have also shared annotated comments and track changes on the draft guidance notes for ESS1 and ESS10.

We hope that by sharing our comments inclusion can be greater embedded throughout ESS guidance and therefore in practice. It will not be possible to achieve the World Bank’s long term goals of ending extreme poverty and shared prosperity without taking an inclusive approach, so ensuring the importance of inclusive development is conveyed as clearly as possible to Borrowers in the ESS guidance is a tremendous opportunity.

### Overall comments

#### Opportunities to refer to other guidance and processes

It will be very important to understand how each ESS Guidance Note will refer to others. ESS1 and ESS10 do this in parts but this could be more consistent. This would be hugely beneficial, as by linking ESS guidance it is clearer to Borrowers where they can access the most relevant resources.

This point also goes beyond ESS guidance. There are many opportunities to refer to the themed guidance that are being developed, and would help Borrowers better understand more focused areas, for example disability inclusion.

Critically, we would suggest emphasising and referring to the importance of the *Bank Directive Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups*. Given its purpose:

*‘set out mandatory requirements of Bank staff relating to the identification of disadvantaged or vulnerable individuals or groups and the process whereby differentiated measures will be developed to address the particular circumstances of such individuals and groups’*

We believe it is vital that Borrowers reading the ESS guidance are made aware of its significance and the role that Bank staff will play in ensuring Borrowers respect the principles set out in the Directive, once it is available.

We would also suggest including stronger references to other existing resources that could be available to Borrowers that provide relevant guidance, and standards and processes that the Bank sets and has expectations of Borrowers to follow.

#### Introducing key themes

There is an opportunity at the start of each section of ESS guidance to outline what *specific requirements* are expected of Borrowers under the ESF, relevant to each ESS. This has been done in places but could be replicated throughout. If a Note is read out of sequence, this would help it become clearer to the reader at the outset of each section its relevance to the ESF. This would make the guidance an even more useful tool to Borrowers.

#### Direction and breaking down key themes

Respecting that Borrowers are extremely diverse and that communicating expectations must be handled sensitively, some of the language in the guidance could be a little more directive than it is presently drafted. This would help make clear to Borrowers what the Bank *expects* of Borrowers, and when guidance is more suggestive or optional. We appreciate the notes are not mandatory, but stronger language – for example explaining that Borrowers should or must act – could ensure greater clarity on expectations of best practice from Borrowers using Bank funds.

We would also suggest certain terms used in the guidance being clarified or broken down, to ensure further clarity for Borrowers. We have flagged examples in our annotated comments on ESS1 and ESS10, but would highlight ensuring examples including ‘inclusive processes’, ‘meaningful consultation’ and ‘integrated approaches’ are further clarified. We would suggest wherever possible this is at the earliest opportunity within the guidance. Due to their importance to mitigating risks, and therefore more effective development, greater clarity would significantly enhance the guidance.

### Embedding inclusion

#### Consistency

We would suggest trying to ensure greater consistency across the Guidance Notes when referring to disadvantaged or vulnerable groups.

Throughout the guidance the definition of disadvantaged or vulnerable that is used most frequently is based on Footnote 11 in the ESF:

*‘Disadvantaged or vulnerable refers to those who may be more likely to be adversely affected by the project impacts and/or more limited than others in their ability to take advantage of a project’s benefits. Such an individual/group is also more likely to be excluded from/unable to participate fully in the mainstream consultation process and as such may require specific measures and/ or assistance to do so. This will take into account considerations relating to age, including the elderly and minors, and including in circumstances where they may be separated from their family, the community or other individuals upon whom they depend’.*

However, on page one of the ESF, in A Vision for Sustainable Development, the text refers to:

*‘For the Bank, inclusion means empowering all people to participate in, and benefit from, the development process. Inclusion encompasses policies to promote equality and nondiscrimination by improving the access of all people, including the poor and disadvantaged, to services and benefits such as education, health, social protection, infrastructure, affordable energy, employment, financial services and productive assets. It also embraces action to remove barriers against those who are often excluded from the development process, such as women, children, persons with disabilities, youth and minorities, and to ensure that the voice of all can be heard’.*

This definition and language is far more inclusive – and therefore appropriate for the ESS guidance – than that of the footnote, as this omits a number of under-represented groups who are likely to face additional risks that must be mitigated. The above, or an appropriate paraphrasing that includes a breakdown of likely vulnerable groups, would complement the example of older persons used in the Footnote, and strengthen the overall guidance as a result.

Further breaking down what is meant by disadvantaged and vulnerable would also help Borrowers understand *who* needs to be included, and that further thematic guidance on relevant groups is available. This will also ensure greater consistency, and further strengthen the notes.

This is perhaps most relevant in the guidance for ESS10, but would ideally be replicated across the notes. As ESS10 is about effective engagement, there is a significant opportunity to further spell out *who* the Bank means. This should also emphasise the importance of engaging other contextually marginalised groups that will emerge from effective stakeholder engagement, and trying to put in place mechanisms for identifying who is *not* currently engaging, but should be, and who may not be being represented adequately by stakeholders currently engaging. For example, if youth are well represented by community groups, or if women’s rights are promoted by the lead Disabled People’s Organisation.

#### Universal design and accessibility

There is a significant opportunity throughout the notes to make more explicit the opportunities – particularly when mitigating risk – of complying with universal design and accessibility standards.

The Notes could make it clearer to Borrowers that project cycles – from the outset –need to be developed around the principles of universal design. This will ensure Borrowers are clear on accessibility requirements, and the importance of inclusion more broadly.

We have flagged a number of opportunities to consider this in our annotated comments. One example is ESS1 GN27.2 (Page 13) which refers to avoidance, minimisation and mitigation. Minimising risks in all three stages would be greatly enhanced by considering accessibility and universal design.

#### Prioritising key areas

An overall comment is around what specifically within the guidance will encourage Borrowers to *prioritise* inclusion? Given its importance – and particular relevance to minimising risks for disadvantaged and vulnerable groups – this could be made clearer. Inclusive development should be central to the Bank’s work if it is to achieve its twin goals of ending extreme poverty and promoting shared prosperity, and the ESS guidance, like the vision outlined in the ESF, are a tremendous opportunity for ensuring this.

There are also numerous opportunities to highlight more inclusive language throughout, which we have flagged in our annotated comments. Making greater reference to inclusion would help to re-iterate that ensuring inclusion is as an expectation of Borrowers.

Finally, it is also worth considering where more explicit links to inclusion can be made within and between the guidance and other Bank policies and processes. For example, how the Environmental and Social Procedure will ensure management responsibility for ensuring *inclusion is embedded* into projects financed by Investment Project Financing.

For further information about any of the comments shared in this document or in our annotated comments please contact:

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