**Comments on Guidance notes for Environment and Social Safeguard Policies**

Gujarat State Disaster management Authority (GSDMA) is implementing Gujarat component of the National Cyclone Risk Mitigation Project. This project provides for development of infrastructure to provide succor to people in time of distress caused by cyclone and other natural disasters. The project component includes construction of Multipurpose Cyclone Shelters, Access roads, Early warning dissemination system and capacity building of coastal communities and the under-ground cabling for the electric public distribution system for Gandhidham and Adipur, in Kutch District. These are dispersed subprojects with largest being the Gandhdham-Adipur underground cabling subproject. The experience with GSDMA is therefore limited to such small-dispersed works.

World Bank has circulated draft guidance notes on application of Environment and Social Standards (ESS) that form World Bank 2016 Environment and Social Frame Work. ESSs are a set of 10 documents as listed here. The guidance notes provided detail/explain the provisions in ESS’s step by step in detail. The Ten ESSs are listed here.

1:ESS1- Assessment and Management of Environmental and Social Risks and Impacts;

2:ESS2 - Labor and Working Conditions;

3:ESS3 - Resource Efficiency and Pollution Prevention and Management;

4:ESS4 - Community Health and Safety;

5:ESS5 -Land Acquisition, Restrictions on Land Use and Involuntary Resettlement;

6:ESS6 – Biodiversity Conservation and Sustainable Management of Living Natural Resources;

7:ESS7 – Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities;

8:ESS8 – Cultural Heritage;

9:ESS9 – Financial Intermediaries; and

10: ESS10 – Stakeholder Engagement and Information Disclosure.

The ESS documents are comprehensive and exhaustive. The preface explains that the Guidance notes provide for application of Environment and Social standards and are not mandatory. They are not substitute to sound judgment that is necessary for making project decisions. The ESS’s are based on precautionary principal. Emphasis is on avoidance of damage with a Hierarchy of approach - avoid, minimize, mitigate, compensate/offset technically and financially for the adverse environment and social impacts of the project. The framework helps to ensure social inclusion. These principals guide selection of projects and there location.

It has been an endeavor of India to safeguard environment, conserve biodiversity, natural heritage, conserve cultural heritage as also protect and promote social environment with bias for weaker and disadvantaged sections. The democratic system provides for transparency that is furthered with Right to Information Act 2005.

The ESS guidance notes provide for detailed means of implanting the framework. The inputs on specific guidance note are given below.

1. ESS 1: Assessment and Management of Environmental and Social Risks and Impacts -
* The emphasis on Hierarchy of approach - avoid, minimize, mitigate, compensate/offset technically and financially is desired and should help meet development goals.
* The para 16 requires that the borrower will not carry out any activity in relation to project that may have adverse impact on environment or social risk prior to completing specific measures and actions required under ESCP. It measures and action under ESCP may be required to be categorized as those required to be undertaken prior to project and those that will run concurrent to project. This is common understanding but there may be confusion with regard to some measures. It would therefore be in interest of timely project implementation to have the clarity.
* Para 5 of Annex 1 lists out methods and tools to carry out the environmental and social assessment and to document the results of such assessment, including the mitigation measures to be implemented, will reflect the nature and scale of the project. It includes ESIA, Environment and Social Audit, Hazard on risk Assessment, Cumulative impact assessment, social and conflict analysis, Environment and social management plan (ESMP), Environment and social management framework (ESMF), Regional ESIA, Sectoral ESIA, Strategic Environment and Social Assessment (SESA). This is a large list. The ESS gives details of applicability and utility of each. Yet it may be considered to provide greater clarity regarding the application for these methods/tools with guidance notes.

 ESS2 – GN8.**Labor and Working Conditions**

* Para 9 requires development of a written labor management procedure applicable to the project. The labour laws in India are well defined. Need for such a written document not be necessary in Indian context.

**ESS3 - Resource Efficiency and Pollution Prevention and Management**

* Environment and pollution laws are well documented and implemented in India.
* Para 16 of the ESS requires GHG emission as per nationally accepted procedures. It may be considered if it is possible to detail applicability of requirement of estimation of GHG emissions and boundary conditions for the process may be detailed.

 **ESS4 - Community Health and Safety**

* No comments

 **ESS5 - Land Acquisition, Restrictions on Land Use and Involuntary Resettlement**

* GN 8.1 line 5 ‘projected’ may be replaced by ‘protected’
* Footnote 22 deals with squatter landlords. The provisions need be reviewed with reference to provisions in relevant national laws. There is likely to be conflict. Legal expert may opine on it. If there is conflict it may be appropriately taken up with World Bank.

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

* Para GN11.1 (c) Ecosystem services Affected describes the ecosystem services that may be affected due land use change. It provides
1. ‘Depending on their significance, potential adverse impacts on ecosystem services are considered in the assessment of social risks and impacts of the project, such as community health, safety, livelihoods and cultural values. ‘

It may be necessary if the adverse affect on ecosystem services is significant to undertake separate study to document and determine the impact including the Economic valuation of such ecosystem services on the principals of The Economics of Ecosystem Services (TEEB). Project economics justification of its location may be significantly impacted if impact on ecosystem services is large.

 **ESS7 - Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities**

No comments

 **ESS8 - Cultural Heritage**

* Para GN11.3 (d) suggests ‘contractor code of conduct rules and guidance on how to address chance finds’. It would be desirable that a model code be prepared at national level and made available for adaptation for the project. The concerned authorities may be best placed for preparing a draft in this regard. One such procedure is available for British Columbia, reference - <http://www.frontcounterbc.gov.bc.ca/pdf/ArchaeologicalChanceFindProcedure.pdf>

**ESS9 - Financial Intermediaries**

No comments

 **ESS10 - Stakeholder Engagement and Information Disclosure**

No comments