

High-Level Summary of Comments received on the draft ESF Guidance Notes (GN) for Borrowers as published in November 2017

The extensive feedback which Management received from stakeholders was carefully reviewed and analyzed by Bank staff across the World Bank Group. Below is a matrix with a summary of the feedback from stakeholders and Bank Management responses, categorized by key issues. While this summary does not fully capture the richness of the feedback, it reflects the key aspirations, concerns and recommendations of commenters. The feedback demonstrated the varied and sometimes opposing views that the World Bank has taken into consideration. The GNs were revised taking this feedback into account. The GN will be reviewed and revised periodically to reflect experiences gained from the implementation of the ESF.

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS1: Assessment and Management of Environmental and Social Risks and Impacts		
ISSUE	KEY FEEDBACK	BANK RESPONSES
Definitions, clarifications, examples	Commenters emphasized the need for more detailed definition of some key terms, notably “technically and financially feasible”, “materially consistent” and “proportionate.”	<p>Extended clarifications and definitions, for example in the context of the mitigation hierarchy, indirect and cumulative impacts, and the environmental assessment process.</p> <p>Technical and financial feasibility are defined in Footnotes 2 and 3 of ESS1. This definition set out in the GNs for the other standards, where appropriate.</p> <p>The terms “materially consistent” and “proportionate” are context-specific and therefor a standard definition has not been incorporated.</p> <p>The meaning of other key terms is illustrated in context throughout the GN.</p>
Definitions, clarifications, examples	It was suggested to harmonize the definition of “ disadvantaged and vulnerable individuals or groups ” in ESS1 with the definition in the relevant Bank Directive.	<p>The definition for the purpose of ESS1 is provided in paragraph 28 and Footnote 28 of ESS1. The definition in the Bank Directive is specifically for Bank staff and will, therefore, not be included in the GN.</p> <p>Guidance on mitigation measures specifically for the disadvantaged and vulnerable has been expanded as follows:</p> <p><i>GN29.1. Several of the ESSs address specific issues that may be relevant to individuals or groups, and suggest ways in which the risks and impacts may be mitigated. For example, community health and safety is addressed in ESS4 and land acquisition and</i></p>

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		<i>involuntary resettlement in ESS5. The Borrower should design projects on an inclusive basis, so that all project-affected parties benefit in an equitable manner from the project. Paragraph 29 focuses on ways to deliver this inclusive approach, recognizing that there may be individuals or groups who, because of their particular circumstances, could experience adverse impacts from the proposed project more severely than others. The risks and impacts identification process should use accepted social development methods to identify disadvantaged or vulnerable individuals or groups within the project-affected parties, where possible collecting data on a disaggregated basis. The Borrower should assess potential impacts, including differentiated impacts, on these individuals and groups and propose specific, and if necessary separate, measures in consultation with them to mitigate the potential impacts and risks.</i>
References	Commenters suggested referencing relevant international treaties .	A bibliography was added, which includes a non-exhaustive list of relevant international agreements and conventions, organizations, and treaty bodies, such as, among others: <ul style="list-style-type: none"> • Convention on the Elimination of All Forms of Discrimination Against Women • Convention on the Rights of the Child • International Convention on the Elimination of All Forms of Racial Discrimination • Convention on the Rights of Persons with Disabilities • United Nations Framework Convention on Climate Change • European Court of Human Rights • International Labor Organization • Office of the United Nations High Commissioner for Human Rights • Office of the United Nations High Commissioner for Refugees
Methodologies: Environmental and social assessment	Commenters asked for more detail on methodologies and tools to assess the environmental and social impacts of a project.	Impact assessment methodologies and tools are described in Annex 1 of ESS1. In addition, the relevant paragraphs of the GN were expanded: <p>GN23.1. <i>The Borrower should begin the environmental and social assessment starts as early as possible during project identification and preparation. The assessment informs should identify the environmental and social risks and impacts of a project in an</i></p>

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		<p><u>integrated manner and inform project design. The environmental and social assessment will include stakeholder engagement as an integral part of the assessment, in accordance with ESS10.</u></p> <p><u>GN23.3. The Borrower will ensure that the assessment identifies the potential environmental and social risks and impacts of the project. It identifies the mitigation and management measures to be taken during the implementation of the project to address the risks and impacts in accordance with the mitigation hierarchy discussed in paragraph 27, together with any residual impacts that cannot be mitigated. The assessment will also identify responsibility for implementing the mitigation measures, and identify any capacity or other concerns that need to be addressed.</u></p>
Methodologies: Scoping	Commenters requested more detail on scoping, baseline data, and social risk assessment.	<p>While Annex 1 of ESS1 provides more detail on methods and instruments, the relevant paragraphs in the GN were also expanded to clarify and provide more guidance:</p> <p><u>GN28.1. Risks and impacts identified in paragraph 28 of ESS1 and in ESSs 2–10, while wide-ranging, can never be exhaustive. It is advisable to carefullyThe Borrower should consider, in the environmental and social assessment, in an appropriate manner, the full scope of risks and impacts that may arise in connection with the project for environmental and social. While consideration should be given to the risks and impacts that are specific to it, and identified in paragraph 28 and ESSs 2–10, the Borrower, through the environmental and social assessment, should also scope the project to identify risks and impacts that are not covered in ESS1-ESS 1–10, but may be specific to the proposed project. Annex 1 of ESS1this ESS provides additional further details on how to conductthe way in which the environmental and social assessment <u>should be conducted</u>, and identifies <u>different</u> methods and tools that may be used.</u></p> <p><u>GN28.2. The scoping of the project issues means identifyingshould identify the extent and complexity of potential <u>social and environmental</u> and social risks and impacts, includingand the socio-economicssocioeconomic characteristics of people in the project area.</u></p> <p><u>GN28.3. For those projects where the <u>initial</u> scoping indicates significant adverse environmental and social impacts, it is good practice for the environmental and social</u></p>

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		<p>assessment to should focus on identifying baseline indications and available generating appropriate social baseline data, identifying and analyzing projected impacts to the extent possible identification and analysis, and developing appropriate mitigation measures. Baseline data describes information collection should describe the relevant existing conditions, such as the physical, biological, and socio-economic conditions, and socioeconomic, and physical cultural heritage. It is important for baseline data to be resources. From the socioeconomic perspective, the Borrower should ensure that baseline information is accurate and up-to-date, as rapidly changing situations, such as in-migration of people in anticipation of a project or lack of data on disadvantaged and vulnerable groups within a community, can affect the success efficacy of social mitigation measures. Socio-economic analysis Socioeconomic studies that are conducted by the Borrower may be used to: (a) understand the characteristics and dynamics of the project area; (b) establish the conditions of the people that may will be affected/impacted by the project; (c) identify events, including potential for conflict, that could affect project the adequate implementation of the project; and (d) identify opportunities for enhancing project development benefits.</p> <p><u>GN28.4. Any limitations on data, such as the extent and quality of available data, assumptions, and key data gaps, should be clearly identified and documented. Where the project involves specifically identified physical elements, aspects, and facilities that are likely to generate impacts, the collection and analysis of environmental and social baseline information and data, at an appropriate level of detail for the project, are essential to define the projects' area of influence, and describe relevant physical, biological, ecological, socioeconomic, health, and labor conditions, including any changes anticipated to occur in the foreseeable future (including projected variability in climatic and environmental conditions due to potentially significant climate change or that would require adaptation measures that could occur over the life of the project), along with current and proposed development activities within the general project area but not directly connected to the project to be financed. The baseline information-gathering phase is an important and often a necessary step to enable the determination of the potential impacts and risks of a project. If the initial scoping process concludes</u></p>

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		<i>that a project will have no or minimal potential risks and adverse impacts, the Borrower will document this scoping process and its conclusions.)</i>
Methodologies: Borrower frameworks and Common Approach	Commenters requested more detail requested on Borrower Framework and Common Approach assessments.	The assessments leading to the decision of whether a Borrower Framework or a Common Approach can be used is the Bank’s responsibility and therefore are not addressed in Borrower guidance. An preliminary Information Note on “Assessing the Borrower’s Environmental and Social Framework is available online .
Common Approach	Some Commenters expressed concerns that the specific language of the GN could weaken the provisions of ESS1 regarding the Common Approach .	<p>The relevant paragraph was revised to reinforce provisions without expanding the scope of ESS1:</p> <p>GN9.1. The concept of <i>The common approach is commonly used when the Bank is jointly financing a project with other donors and is a way to describe the approach and requirements agreed by funding agencies and with the Borrower for the assessment and management of environmental and social risks and impacts of a proposed project. It aims to facilitate cooperation betweenamong the Borrower, the Bank, and other financing agencies; avoid duplication; and encourage efficient use of resources for the project. The Environmental and Social Commitment Plan (The ESCP) describes documents the use of the common approach so that those implementing the project clearly understand which measures, responsibilities, and actions have been agreed to under the approach.</i></p> <p>GN9.2. It is important for <i>The Borrower toshould share with the Bank information on existing collaborationcollaboration with other funding agencies on the projects for which it seeks IPF. This allows the Bank to determine whether an already agreed approach to assessment and management of environmental and social risks can enable the project to achieve objectives materially consistent with the ESSs. Depending on the significance of specific risks and impacts of the project, the development of a common approach may involve analysis that will enable such an approach to satisfy the relevant requirements of the ESSs.</i></p>
Borrower responsibilities:	Commenters asked for clarifications on the overall	Guidance on this issue was expanded to include a description of how the objectives relate to the specific requirements:

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Objectives of ESS1	borrower responsibilities in relation to the objectives of ESS1.	<p><u>GN14.1. ESS1 addresses the way in which the environmental and social risks of the project will be addressed by the Borrower. The aim of the requirements set out in ESS1 is to help Borrowers plan and design projects, and manage project risks and impacts in a systematic manner. Projects have different risks and impacts, and different development time frames. The assessment and management of environmental and social risks and impacts should be incorporated into the way the Borrower manages a project, and will support successful and sustainable project performance.</u></p> <p><u>GN14.2. Each of the ESSs, including ESS1, set out a number of objectives. The objectives describe the outcomes that each of the ESSs are intended to achieve. The Borrower is expected to design and implement the project with the aim of achieving these objectives. Application of the ESSs can assist the Borrower to address the risks and impacts of the project and achieve project outcomes that support lasting development. Each ESS sets out specific requirements that can help the Borrower to assess, manage and monitor the environmental and social risks and impacts throughout the project life-cycle. <u>achieve the objectives in ways that reflect the nature of project risks and impacts.</u></u></p> <p><u>GN14.3. In some circumstances, the Borrower will identify certain risks and impacts as part of the environmental and social assessment that are not specifically covered in the ESSs, and such risks or impacts will be addressed in accordance with the mitigation hierarchy and the objectives of ESS1.</u></p> <p><u>GN14.4. The way in which the Borrower will meet the requirements of the ESSs are met and the time frame for doing so differ <u>will be different</u> for each project, reflecting a range of considerations, such as those set out in ESS1, <u>that relate to the specific details of the project. These considerations are set out in footnote 14. Based on these, When properly addressed, these considerations will allow</u> the Borrower and the Bank would to agree on the manner <u>in which</u> the risks and impacts of the project will be assessed and managed, and <u>their</u> appropriate timing for this assessment. The type of project, the schedule for project implementation, and the <u>different</u> entities that may be involved in implementing the project are <u>will be</u> key factors in determining <u>deciding</u> how the requirements of the ESSs will be met.</u></p>

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Borrower responsibilities: International obligations	Some commenters suggested providing more guidance on how the Borrower's obligations under international treaties apply to a project.	<p>The GN text was revised to emphasize that this is project specific:</p> <p>GN26.1. (...) <i>Where the Borrower has entered into international obligations or treaties that are directly applicable to the project, the assessment should consider the way in which these <u>obligations and how they apply in the proposed project</u> could inform project design and implementation.</i></p> <p>The Bibliography a non-exhaustive selection of international treaties that may be relevant, depending on project context.</p>
Borrowers responsibilities: stakeholder engagement	Commenters asked for more emphasis on stakeholder engagement as a responsibility of the Borrower.	<p>Revisions were made across the GN to emphasize the need for stakeholder engagement and to cross-reference ESS10, for example:</p> <p>GN23.1. <i>The Borrower should begin the environmental and social assessment starts as early as possible during project identification and preparation. The assessment inform should identify the environmental and social risks and impacts of a project in an integrated manner and inform project design. The environmental and social assessment will include stakeholder engagement as an integral part of the assessment, in accordance with ESS10.</i></p>
Mitigation hierarchy	Commenters asked for more detail on how the mitigation hierarchy works in practice.	<p>Additional guidance, including examples, were added:</p> <p>GN27.1. <i>The mitigation hierarchy represents a systematic and phased sequenced approach to addressing manage the potential risks and impacts of a proposed the project. The environmental and social assessment would use the hierarchy to manage environmental- includes actions for: (a) avoiding adverse impacts and social risks and impacts through early identification enhancing positive impacts and benefits to communities and physical environment, to the greatest extent feasible; (b) minimizing the adverse impacts and risks that cannot be avoided; (c) remedying or mitigating the residual adverse impacts and risks to an acceptable level; and (d) compensating or offsetting for those residual impacts and risks that cannot be remedied. Knowledge about previous assessments on similar projects, success or failure of possible the relevant mitigation measures, and consultations with local communities to understand local context will be useful in designing an acceptable mitigation hierarchy.</i></p>

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		<p><i>The Borrower needs to start developing GN27.2. The mitigation hierarchy consists of a series of sequential steps that are applicable to risks and impacts identified at any stage of the project. The steps are as follows: the mitigation hierarchy early in the project cycle, by including the environmental and social (ES) specialists in the project feasibility and design teams. The mitigation hierarchy is further discussed and specified in the context of ESSs 2–8, where relevant.</i></p> <p>Step 1. Anticipation and Avoidance: Measures to anticipate or avoid impacts could include design and spatial or temporal placement of infrastructure. For example, this might involve changing the route of a road or the location of a wind farm to avoid a national park or the need to resettle people. Avoidance is often the most effective way of reducing potential adverse</p> <p>GN27.2. As a general principle, the Environmental and Social Assessment (ESA) should incorporate the following:</p> <ul style="list-style-type: none"> • Step 1 environmental and social impacts, though it might have additional costs. However, it usually means considering risks and impacts in the early stages of project design. • Step 2. Minimization or reduction: Measures would seek to reduce the size, duration, intensity or extent of impacts that cannot be avoided. For example, this could include reducing the physical footprint of a project or introducing energy efficiency measures. Selection of the type of infrastructure, equipment, technology and operations can also minimize impacts. • Step 3. Mitigation: Measures to mitigate environmental and social risks and impacts, for example, in the case of a road project, could include building wildlife crossings, or in the case of resettlement, compensation and livelihood restoration measures as described in ESS5. <p>Steps 1 to 3 (avoidance, minimization and mitigation) are undertaken first to address the environmental and social risks and impacts of a project. If significant residual</p>

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		<p><i>impacts remain that cannot be mitigated, then Step 4 is taken. It is important to apply Steps 1-3 insofar as possible before proceeding to Step 4— Compensation and/or Offset.</i></p> <ul style="list-style-type: none"> <p>Step 1: Anticipation and Avoidance: <i>Avoidance is the most preferred form of mitigation. As a first step the ESA will identify and evaluate technically and financially feasible alternatives (including location, technology, and or alignment options). When determining technical and financial feasibility of alternatives, both cost and benefits should be considered. The evaluation should impact on project design enabling the Borrower to choose alternatives that anticipate and avoid adverse ES impacts and risks. (See Annex 1 Section D (g) for more information on analysis of alternatives and ESSs 2–8 for additional requirements on avoidance.)</i></p> <p>Step 2: Minimization: <i>Where avoidance is not possible, the ESA will identify specific actions to minimize or reduce adverse environmental and social impacts and risks that are likely to arise throughout the project life cycle. For example, this could include reducing the physical footprint of a project or reducing impacts on the climate by choosing alternatives with lower carbon emissions or selecting infrastructure, equipment, and technology options that support efficient use of resources (including energy, water, and raw materials) and reduce generation of wastes through the project life cycle.</i></p> <p>Step 3: Mitigation: <i>To manage the residual risks and adverse impacts (after the avoidance and minimization steps), the ESA will identify mitigation measures by establishing specific actions to ensure the project will meet the requirements of applicable ESSs 1–8 and comply with relevant national laws and regulations. In case of existing facilities, these actions will include measures to rectify the prevailing risks and adverse impacts identified in the environmental and social audits or due diligence reports. All these measures, including a suite of other thematic plans or mitigation measures required under other applicable ESSs (for example, Resettlement Action Plans, Indigenous Peoples Plans, Biodiversity Action Plans, and so forth), normally form part of the environmental and social management plan</i></p>

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		<p><u>(ESMP) for the project. See Annex 1 Section E “Indicative outline of ESMP” for more details. Any compensation under ESS5 falls within this third step.</u></p> <ul style="list-style-type: none"> • <u>Step 4: Offset or Compensation: Where avoidance or minimization or mitigation is not adequate to manage significant adverse impacts and risks, it may be appropriate to design and implement measures that compensate/offset for residual impacts and risks. These measures do not necessarily eliminate the identified adverse impacts and risks, but they seek to offset them with comparable positive ones. Environmental offsets are a cost-effective way to ensure that even though damage will occur, there is compensation for that damage. Even within environmental offsets, there is a hierarchy that is followed. Restoration, creation, enhancement, and preservation comprise this hierarchy (the last two measures particularly concern habitats that are under severe threat of extinction/degradation).</u>
ESCP	Comments asked for more detail on the ESCP , including examples on how it works.	<p>Additional guidance on the ESCP was added throughout the GN, for example:</p> <p><u>GN16.1. As discussed in connection with paragraph 15, ESS1 requires the Borrower to assess, manage, and monitor the risks and impacts of a project in a manner and time frame acceptable to the Bank. The ESCP will act as a management tool, recording the agreement with the Bank as to when and/or how specific issues will be addressed. This tool will allow the Borrower to allocate resources on the basis of agreed measures and actions including the planning and development of the project progresses.</u></p> <p><u>Paragraph 16 emphasizes the importance of identifying the risks and impacts and implementing relevant mitigation measures before any project activities that could cause material adverse environmental or social risks or impacts commence. For example, if the project will create new slopes with the potential for soil erosion or landslides, the designs for mitigation measures must be complete, and necessary gray and green infrastructure must be procured so that the slopes can be stabilized before construction starts; or if an infrastructure project will generate quantities of waste, a suitable landfill is identified and a waste management plan, complete with signed contracts for logistics and management, is in place prior to the start of construction that generates the waste.</u></p>

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		A ESCP Template has been developed and will be made available to Borrowers together with the GN.
Technical Assistance	Commenters asked for greater clarity on the application of ESS1 to Technical Assistance.	<p>The relevant paragraphs were revised and examples were added to provide greater clarity:</p> <p>GN7.1 (Footnote 5). Investment Project Financing (IPF) may be used by Borrowers to finance technical assistance. The formal products and documents financed by the technical assistance is normally provided through consulting services should apply, and be consistent with, the relevant ESSs. Technical assistance may take different forms. For example, it can be used for to assist the Borrowers in preparing technical or engineering designs, environmental and social risk assessments and related plans, or feasibility studies relating to the construction of infrastructure, or for drafting policies, strategies, laws, or regulations which that may have environmental or social impacts.</p> <p>GN7.2 (Footnote 5). How the ESSs apply to IPF technical assistance depends on the <u>the nature, purpose, and risks of the technical assistance.</u> For example, an IPF might finance support <u>finance support</u> technical assistance to prepare <u>studies for infrastructure, such as a feasibility study for a water treatment plant that requires, the construction of which may require</u> acquisition of land on which there are informal settlers. <u>In such a case, this example, the feasibility study should be prepared in a manner consistent with the relevant aspects of ESS5 would be applicable.</u> It is thus important for the Borrower to understand the environmental and social risks and impacts of the work that the technical assistance will support. This <u>understanding</u> guides the use of the relevant ESSs and the development of the technical assistance terms of reference, work plans, and outputs.</p> <p>GN7.3. The ESF Policy does not replace OP/BP 4.03, Performance Standards for Private Sector Activities (see Footnote 1 of the ESF Policy). Consequently, unless the Borrower objects, projects or components of projects that meet the criteria set forth in OP 4.03 may be governed by the WB Performance Standards set forth in OP 4.03 instead of the ESF.</p>

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		<p>GN7.4. A Borrower may be a sovereign or non-sovereign party, and this affects what obligations the Borrower may assume. <u>5. A Borrower’s ability to achieve environmental or social outcomes may <i>sometimes</i> depend on the activities of other government agencies or third parties, such as a government agency acting as a regulator, or contractual party <i>with which the project has a substantial involvement</i>, or the operator of an Associated Facility. The Borrower often has varying levels of control or influence over such parties. <i>For example, the Borrower may have limited statutory or regulatory ability to influence a government agency authorized to regulate or control land on which mitigation measures or access is required, or the operator of a power transmission line.</i> Where possible, the environmental and social assessment of the project would identify and evaluate the potential limitations on the Borrower in this regard and consider ways to support the desired environmental and social outcomes.</u></p>
Existing Facilities	Commenters requested additional guidance on the assessment of existing facilities .	<p>Guidance was expanded:</p> <p><u>GN17.1. <i>When/Where a project includes facilities or activities that already exist, measures may be needed such as a project to enable the rehabilitate a pollution control facility (for example, a wastewater treatment plant) or to improve existing transport infrastructure, these facilities or activities to meet should be reviewed to determine the extent to which they can be brought in line with the ESS requirements. It is recommended in such cases to of the ESSs. The review should focus on those aspects that present the most significant risks. Measures to be implemented, taking into account the extent to which implementing specific measures will be technically and financially feasible. Any measures identified by the project are Borrower should be incorporated into the ESCP.</i></u></p> <p><u>GN17.2. <i>Determining the measures required to achieve the requirements of the ESSs may involve an audit of the environmental or social aspects of an existing facility. The audit should review the main environmental and social impacts and the existing mitigation measures. It should establish a baseline for the implementation of corrective actions. In circumstances where it is not possible to implement mitigation measures,</i></u></p>

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		<i>the audit should assess the ongoing impacts. Any required measures identified through the audit should be incorporated into the ESCP.</i>
Associated Facilities	Some Requesters expressed concerns over the guidance provided regarding associated facilities , in particular ‘control and influence,’ ‘contemporaneous’ and ‘viable.’	<p>The criteria for determining associated facilities are set out in ESS1. The relevant paragraphs in the GN were revised and examples were added to improve clarity:</p> <p>GN10.1. <i>The nature of control or influence is complex, and goes beyond a simplebasic understanding of ownership, regulatory authority, or whether the Associated Facilities are in a sovereignforeign territory. As indicated by GN-footnote 11, there may be many reasons why a Borrower cannot exercise control or influence. For example, the entity implementing the project, such as a Ministry of Water and Sanitation, may have no control or jurisdiction over another government entity that owns or operates an Associated Facility, or the facility may be located in another country.</i></p> <p>GN11.1. <i>(...) Modifications and/or expansions of existing infrastructure may also be considered as an Associated Facility if they satisfy the criteria set out in paragraph 11.</i></p> <p>GN11.3. <i>Facilities or activities that are “carried out, or planned to be carried out, contemporaneously with the project,” do not need to exist or occur in precisely the same period of time as the proposed project. The most common, but to be considered contemporaneous need to occur within the period of time for consideration of Associated Facilities would be from project identification to the project completion.</i></p> <p>GN11.4. <i>For the third criterion that the facilities or activities are “necessary for the project to be viable and would not have been constructed, expanded or conducted if the project did not exist”, the key consideration is whether the facilities or activities are both essential for the project and dependent on it.</i></p>
Types of impacts	It was suggested to expand the guidance on different types of impacts, in particular induced and cumulative impacts.	<p>While there is no universally accepted definition of induced impacts, the GN has been revised to help distinguish indirect impacts from induced impacts:</p> <p>GN23.4 (Footnote 21). <i>Indirect and cumulative impacts must be considered if they are reasonably foreseeable. Impacts that are merely possible, or that are considered “speculative,” are not reasonably foreseeable. Only those effects that are likely, or foreseeable, or reasonably foreseeable, need to be discussed. The terms “likely” and</i></p>

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		<p><u>“foreseeable,” as applied to impacts, are properly interpreted as meaning that the impact is sufficiently likely to occur so that a person of ordinary good judgment would take it into account in reaching a decision. Borrowers are not expected to assess or mitigate induced impacts due to their unknown, speculative, uncertain, or remote nature.</u></p> <p>GN23.4 (Footnote 22). <u>Cumulative impacts result from the incremental impacts of the project when added to other existing, planned, and reasonably predictable future projects and developments within the area of the project. Examples of cumulative impacts include effects on ambient conditions such as incremental contribution of pollutant emissions in an airshed, increase in pollutant concentrations in a water body, in soil or sediments or bioaccumulation, reduction of water flow in a watershed due to multiple withdrawals, increases in sediment loads to a watershed or increased erosion, interference with migratory routes or wildlife movement, increased pressure on the carrying capacity or the survival of indicator species in a given ecosystem, wildlife population reduction due to increased hunting, or more traffic congestion and accidents along roadways due to increases in transport activity.</u></p> <p><u>Where the project involves specifically identified physical elements, aspects, and facilities that are likely to generate impacts, the risks and impacts identification process should include an assessment of the combined effects of the multiple components associated with the project (for example, quarries, roads, associated facilities). In situations where multiple subprojects occur in, or are planned for, the same geographic area, as described above, it may also be appropriate for the borrower to conduct a Cumulative Impact Assessment (CIA) as part of the risks and impacts identification process.</u></p>
Monitoring	Commenters asked for more guidance on monitoring, in particular Third Party Monitoring.	A Good Practice Note for Bank staff on Third Party Monitoring has been developed and will be issued at the time of the GN.

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS2: Labor and Working Conditions		
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Language	Some commenters expressed concern that the use of terms such as “it is important” or “should” weaken the provisions of ESS2.	The use of these and similar terms was reviewed throughout the GN. In particular, “should” was changed to “will” where the text of the GN described a requirement of ESS2. On the other hand, the use of this terminology was continued where appropriate to emphasize the non-mandatory nature of the guidance provided.
References	Some commenters suggested referencing ILO conventions , including the 1998 Declaration on the Fundamental Principles and Rights at Work and any conventions relevant to non-discrimination, while others requested the removal of all such references.	The GN lists some ILO conventions in GN2.2. , but not the 1998 Declaration on the Fundamental Principles and Rights at Work. This Declaration aims to commit Member States to respect and promote principles and rights related to the ILO core labor standards, regardless of whether States have ratified the relevant ILO conventions. ESS1 (paragraph 26) requires Borrowers to take into account “obligations of the country directly applicable to the project under relevant international treaties and agreements.” Conventions regarding non-discrimination (for example, of women, children, and persons with disabilities) are referenced in the Bibliography for the GN for ESS1.
National law	Some comments expressed concern that it was not always clear how the requirements of ESS2 would be applied, especially where they were not reflected in national law .	Projects must be implemented in line with the requirements of the Bank Environment and Social Policy and the Environment and Social Standards (ESSs) as well as applicable national law.
Gender	It was requested to provide further guidance on the protection of women in the workforce .	Gender issues are addressed through the equal opportunity requirements of ESS2 and the non-discrimination principle in ESS1.
Workers Organizations	A number of comments requested significant further detail on workers organizations and to require Borrowers to facilitate the operation of workers	Any requirement for Borrowers to facilitate the operation of workers organizations would expand the scope of ESS2. The examples of discrimination are considered helpful in illustrating actions relevant to workers;’ organizations and therefore have been retained.

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	organizations; other comments requested the deletion of specific examples of discrimination or retaliation against workers who participate/seek to participate in workers organization.	
Alternative mechanism	More guidance was requested on the alternative mechanism for workers , including clarification on how, in the case of an alternative mechanism, contravention with national law would be avoided.	The guidance provided on alternative mechanisms is considered sufficiently detailed. This ESS2 requirement must be fulfilled where workers’ freedom of association and/or collective bargaining are prohibited or restricted under national law.
Workforce grievance mechanism	Many comments requested further details on what would be required for a workplace grievance mechanism .	<p>Relevant text was expanded.:</p> <p>GN21.1. <i>Workplace concerns are usually different from issues raised by project-affected parties and other stakeholders, and therefore call for a separate mechanism to address them, as noted in footnote 17 of ESS2. Further details on The design and implementation of a <u>workplace grievance mechanism</u> are set out includes elements of <u>a grievance mechanism as identified</u> in ESS10 and the accompanying guidance–, but will also include features specifically designed to address workplace concerns.</i></p> <p>GN21.4. <i>The labor management procedures include reasonable measures so that direct and contracted workers are not subjected to any form of retaliation as a result of any grievance raised. <u>Such measures may include the need for confidentiality.</u></i></p> <p>GN22.1. <i><u>An effective and appropriate grievance mechanism operates with independence and objectivity, informs workers of the steps being taken to address their concerns, and allows for feedback about the response, within the time frames specified in the grievance mechanism procedure, and an appeals process to which unsatisfied grievances may be referred.</u> To the extent possible, the project grievance mechanism uses or supplements existing <u>workplace</u> grievance mechanisms. It is important that The grievance mechanism <u>will</u> be accessible to all direct and contracted workers, taking into</i></p>

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ISSUE	KEY FEEDBACK	BANK RESPONSES
		<p>account their different characteristics, for example, female workers, migrant workers, or workers with disabilities. Where appropriate, consideration can be given to allowing concerns to be raised anonymously and/or to a person other than an immediate supervisor. An effective and appropriate grievance mechanism operates with independence and objectivity, informs workers of the steps being taken to address their concerns, and allows for feedback about the response, within the timeframes specified in the grievance mechanism procedure.</p>
Community Workers	<p>Come commenters expressed concerns that the requirements for community workers are weakened by the GN and requested more detail especially in regard to stakeholder engagement.</p>	<p>The relevant paragraph was revised to more clearly reflect the requirements of ESS2:</p> <p>GN34.4. It is important that the<u>where</u> labor in a project involving<u>is provided by community workers, such labor is provided on a voluntary basis. The definition of voluntary work is provided in footnote 14 of ESS2. It is good practice, where appropriate, to document the agreement that is reached with community workers, recording the terms on an individual basis, setting out the which such labor will be provided. This includes</u> details of what has been agreed, the way in which the community workers are to be treated<u>such agreement was reached</u>, and how the community workers may be<u>are</u> represented. See ESS10 for a further discussion on <u>stakeholder engagement and representation. It also</u>The agreement will reflect the <u>design of the project and the way in which decisions are reached within the community. While individual agreements with community workers may not need to be in writing, it is good practice to</u> prepare minutes of meetings<u>meet</u> with the community and community workers to discuss and agree the terms of their engagement with the project, <u>prepare minutes of such meetings,</u> and to<u>share</u> the minutes with the community, <u>the community</u> workers, and their representatives.</p> <p>GN37.1. See GN paragraphs 17-to<u>1-19.1 and 20.1-20.4, which provide guidance on paragraphs 17-20 of ESS2 on child and forced labor. Where there is a risk of child labor or forced labor, the training provided to the community workers includes information on these risks.</u></p>

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Contractors and subcontractors	Several comments requested further guidance on how to manage contractors and subcontractors , and greater clarity as to the Borrower’s obligations.	The level of detail provided is considered appropriate within the scope on this GN.
Primary Suppliers	Commenters requested more guidance on identifying primary suppliers and mapping supply chains.	The level of detail provided is considered appropriate within the scope on this GN.
Occupational Health and Safety	Further guidance was suggested on several aspects of Occupational Health and Safety , including on the need for training, reporting, and remedies to be provided for adverse impacts such as occupational injuries, deaths, disability and disease, including rehabilitation of workers that have been injured.	<p>The text of the relevant paragraphs was expanded to some degree, but the level of detail provided is appropriate within the scope on this GN:</p> <p>GN25.2. (...) <u>Projects should provide adequate first aid facilities and relevant training. Protective measures would include hazard labeling in languages understandable to the project workers, and training and equipment to prevent occupational exposure to hazardous materials. Further details are set out in the EHSs.</u></p> <p>GN25.4. (...) <u>Training records should include a description of the training provided, the number of hours of training provided, training attendance records, and results of evaluations. Where project workers carry out potentially hazardous activities, more specific training may be appropriate. It is good practice in industries where it is recognized that activities can be highly hazardous, for example, in the construction or chemicals industry, managers should be provided with specific training and, where appropriate, required to achieve accreditation. It is important for OHS briefings to be conducted for all visitors and other third parties accessing the project site.</u></p>
Nature of Employment Relationship	More guidance was requested on the nature of employment relationships, in particular on disguised employment and its risk in relation to brokers, agents, or intermediaries.	<p>Guidance on identifying the nature of an employment relationship was expanded to provide more clarity and more detail on disguised employment relationships:</p> <p>GN3.2. <u>Identifying the nature of the employment relationships with project workers is important for categorizing workers appropriately. An employment relationship exists when a person performs work or provides services under certain conditions in return for remuneration. Determining the existence of an employment relationship is guided</u></p>

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		<p>primarily by the facts relating to performance and organization of the work and the type of workers' remuneration. <u>Borrowers should not enter into or condone the use of disguised employment relationships such as contractual or other arrangements that hide the true legal status of the employment relationship or contractual arrangements, which would have the effect of depriving project workers of the protections they are due under national law and ESS2.</u></p> <p>GN3.5 (Footnote 3). (...) <u>Provision of labor through a broker, agent, or intermediary should not be used to disguise the true legal status of the employment relationship.</u></p>
Types of workers	Commenters requested clarification of the definitions of the types of workers , in particular for contracted workers and government civil servants that have no employment relationship with the project.	<p>The relevant paragraphs were expanded, in particular, to clarify that contracted workers “provide services that are essential for <u>related to</u> the core function <u>functions</u> of the project, where the third-party exercises control over the work, working conditions, and treatment of the person <u>project worker</u>. The definition of “core functions” is set <u>out in footnote 4.</u>” (GN5.1.)</p> <p>In regard to government civil servants, it was clarified that “There may be situations in which government civil servants have no employment relationship with the project, but are and, therefore, cannot be considered project workers. Nevertheless, they may be <u>involved in project activities in their governmental capacity. (...)</u>” (GN8.3.)</p>
Disability	Some commenters asked to reflect the principle of proportionality in relation to accommodations for persons with disabilities and also more clarification when such accommodations were necessary.	<p>The relevant paragraph was revised within the scope of the text of ESS2:</p> <p>GN15.2. <u>People with defined disabilities may require particular adjustments reasonable accommodations. When considering changes to physical aspects of the workplace, the extent and cost of such changes are important factors in determining the suitability and reasonableness of proposed measures, compared to the degree of the discrimination that may otherwise affect project workers. Such modifications are made when they are necessary and appropriate to permit disabled workers to operate in the workplace. Appropriate expertise may help to identify measures that minimize cost or disruption while still meeting the objectives of access or protection.</u></p>

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ISSUE	KEY FEEDBACK	BANK RESPONSES
Child Labor	More detail was requested on the removal of child laborers from work sites.	The relevant paragraph was revised to clarify that the interest of the child needs to be taken into account. More detailed guidance would be outside the scope of this GN. <i>GN17.3. If a child under the minimum age is discovered working on the project, measures will be taken to terminate the employment or engagement of the child in a responsible manner. <u>Such, taking into account the best interest of the child. Possible measures will be outlined in labor management procedures.</u></i>
Forced Labor	More detail was requested to illustrate what type of workers would be most at risk of forced labor .	A new paragraph was added to illustrate this: <i>GN20.3 <u>The risk of forced labor may be higher for certain types of projects and categories of project worker. This could be the case, for example, where projects are located in remote places or the status of migrant workers is uncertain. Where there are risks of forced labor or trafficking of persons, this is assessed as part of the environmental and social assessment, and possible measures to address such risks should be included in the labor management procedures.</u></i>
Worker Accommodation	Some commenters asked for more detail on accommodation for workers .	The GN includes detailed guidance on this issue. Short clarifications were added regarding location and cost of worker accommodation. <i>GN28.1. (...) <u>Accommodation provided for project workers should not be situated in proximity to locations used for processing or storing hazardous waste.</u> (...)</i> <i>GN28.2. <u>Services provided to project workers (for example, canteen facilities, nursing facilities, or a camp store on a construction site) (...). Where there are charges to project workers for such services, these should be reasonable with reference to local market prices (...).</u></i>
Reporting of incidents	Comments requested more detail the reporting of fatalities and serious injury.	The relevant paragraph was expanded to emphasize these types of incidents: <i>GN30.2. <u>In the event of an occupational fatality or serious injury, the Borrower reports to the Bank as soon as becoming aware of the fatality or serious injury, and informs government authorities in accordance with national reporting requirements. This is supported by similar reporting obligations by third parties and primary suppliers to the Borrower.</u></i>

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Third Parties	It was suggested to clarify sources of information on third parties.	Additional items were added to the list of potential sources: <i>GN31.1. (...) Information in public records, for example, corporate registers <u>and public documents relating to violations of applicable labor law, including reports from labor inspectorates and other enforcement bodies</u> (...)</i>

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

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Definitions, examples, descriptions, references	A large number of requests were received for terms to be defined, examples to be provided and references to be added. Commenters specifically asked for a definition of “technically and financially feasible measures.”	The term “technically and financially feasible measures” is defined in ESS1. This definition was included as a new paragraph in the GN: <i><u>GN6.2. As indicated in ESS1, technical feasibility is based on whether the proposed measures and actions can be implemented with commercially available skills, equipment, and materials, taking into consideration prevailing local factors such as climate, geography, demography, infrastructure, security, governance, capacity, and operational reliability. Financial feasibility is based on relevant financial considerations, including relative magnitude of the incremental cost of adopting such measures and actions compared to the project’s investment, operating, and maintenance costs, and on whether this incremental cost could make the project nonviable for the Borrower.</u></i>
Borrower constraints	Some commenters indicated that some of the examples provided are too burdensome for Borrowers and should be deleted.	The use of examples was reviewed and revised as appropriate. For example, paragraph GN16.1. was shortened to avoid perceptions of burdensome requirements for Borrowers. <i><u>GN16.1. The environmental and social assessment includes an estimate of the annual gross GHG emissions related to over the life of the project, where technically and financially feasible. For projects producing significant gross GHG emissions, it is important to characterize and estimate are calculated only for direct GHG emissions (scope 1) from the project and, if feasible and relevant, indirect GHG emissions associated with the project’s use of energy but occurring outside further prorated according to the share of the total costs that the project boundary (for example, GHG emissions from purchased electricity, heat or cooling). Emissions arising from future combustion of fossil fuel are not attributed to the fuel producers, but to the end users of such fuels (for example, projects involving the extraction, transport or refining of hydrocarbons). For some projects designed to produce GHG savings, in addition to gross GHG emission estimates, net emissions calculations may be considered to inform project design/finances.</u></i>
International Conventions	A number of commenters recommend that a more complete	International agreements and conventions are already listed in the draft GN. This list was extended significantly through a new bibliography that includes, among others:

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	listing of relevant international conventions be referenced.	<ul style="list-style-type: none"> • Kyoto Protocol to the United Nations Framework Convention on Climate Change • United Nations Framework Convention on Climate Change • Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal • Paris Agreement
Paris Accord	Some commenters recommended that the World Bank not finance projects which run counter to Borrowers' obligations to the Paris Accord .	The World Bank is not engaged in the enforcement nor the monitoring of the Paris Accord. While the Paris Accord has been included in the bibliography, a commitment as recommended by commenters would expand the scope of the ESF policy and standards.
Gender	Comments asked for a more detailed discussion of gender issues across the sectors treated by the GN.	The principle of making special efforts to include women in the development process and to assess risks that may fall on them disproportionately is explicit throughout the ESSs and their GN. A specific discussion of resource efficiency and gender was not added to the GN.
GIIP and EHSs	It was suggested to make a clearer connection to Good Industry Practice (GIIP) and the Environment, Health, and Safety Guidelines (EHS).	<p>The importance of GIIP and EHS as reference points was emphasized at the beginning of the GN.</p> <p>GN5.1. <i>What constitutes the efficient usage of resources, including energy, water and raw materials, is project-, context-, and country-specific <u>but should be consistent with Good International Industry Practice (GIIP), in the first instance the Environmental, Health, and Safety Guidelines. In accordance with ESS1, resource efficiency measures should be analyzed as part of the environmental and social assessment. For further information on the Environmental, Health and Safety Guidelines, see the Bibliography of this Guidance Note.</u></i></p> <p>Additional references to the GIIP and EHS were added to the GN, where appropriate, to point Borrowers to the relevant resources. This was done, for example, in relation to monitoring of pollutants (GN11.2.) and assimilative capacity of receiving water bodies (GN13.2.), among others.</p>

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		<p>GN11.2. (...) Guidance on recommended monitoring approaches and frequencies appropriate to the nature of their operations is available from many internationally recognized sources including the Environmental, Health, and Safety Guidelines.</p> <p>GN13.2. (...) The Environmental, Health, and Safety Guidelines, as well as IFC Guidance Note 3: Resource Efficiency and Pollution Prevention, provide further information on the assimilative capacity of the environment, including benchmarks and thresholds for various pollutants. Information on referenced materials may be found in the Bibliography of this Guidance Note.</p>
GHG emissions estimation	Many comments received requested information on methodologies for GHG emission estimation and the scope of application of the relevant requirements in ESS3.	<p>References to methodologies for GHG emission estimation were included in the bibliography.</p> <p>Greenhouse Gas Emissions Methodologies</p> <ul style="list-style-type: none"> • Department for Environment, Food and Rural Affairs, United Kingdom. 2009. "Guidance on How to Measure and Report Your Greenhouse Gas Emissions." Department for Environment, Food and Rural Affairs, London. • European Bank of Reconstruction and Development. 2017. "EBRD protocol for assessment of greenhouse gas emissions." European Bank of Reconstruction and Development, London. • International Finance Corporation and National Council for Air and Stream Improvement. 2011. "The Forest Industry Carbon Assessment Tool (FICAT)." International Finance Corporation and National Council for Air and Stream Improvement, Washington, DC. • International Organization for Standardization. 2006. "ISO Greenhouse Gas Project Accounting Standard, Part 2." ISO 14064. International Organization for Standardization, Geneva. • International Petroleum Industry Environmental Conservation Association. 2003. "Petroleum Industry Guidelines for Reporting Greenhouse Gas

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		<p>Emissions.” International Petroleum Industry Environmental Conservation Association, London.</p> <ul style="list-style-type: none"> • United Nations Framework Convention on Climate Change. UNFCCC approved CDM methodologies. http://cdm.unfccc.int/methodologies/index.html • United States Environmental Protection Agency. 1999. “Emission Inventory Improvement Program, Volume VIII: Estimating Greenhouse Gas Emissions.” United States Environmental Protection Agency, Washington, DC. • World Business Council for Sustainable Development and World Resources Institute. 2011. “Calculation Tools.” Geneva, WBCSD; Washington, DC: WRI. http://www.ghgprotocol.org/calculation-tools/all-tools. • — — —. 2005. “The GHG Protocol for Project Accounting.” World Business Council for Sustainable Development, Geneva, and World Resources Institute, Washington, DC. • — — —. 2004. “The Greenhouse Gas Protocol: A Corporate Accounting and Reporting Standard.” World Business Council for Sustainable Development, Geneva, and World Resources Institute, Washington, DC.
GHG emission estimation	There was a perception that the guidance provided on GHG emission estimation goes beyond the scope of ESS3, as the Standard only refers to emissions from the Project, but the guidance mentions measurement of indirect emissions beyond the project’s boundary.	<p>The relevant paragraph was revised to appropriately reflect the scope of ESS3:</p> <p>GN16.1. <i>The environmental and social assessment includes an estimate of the <u>annual gross GHG emissions related to over the life of the project, where technically and financially feasible.</u> For projects producing significant gross GHG emissions, it is important to characterize and estimate <u>To avoid double counting, gross GHG emissions are calculated only for direct GHG emissions (scope 1) from the project and, if feasible and relevant, indirect GHG emissions associated with the project’s use of energy but occurring outside further prorated according to the share of the total costs that the project boundary (for example, GHG emissions from purchased electricity, heat or cooling). Emissions arising from future combustion of fossil fuel are not attributed to the fuel producers, but to the end users of such fuels (for example, projects involving the extraction, transport or refining of hydrocarbons).</u> For some projects designed to produce GHG savings, in</i></p>

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		addition to gross GHG emission estimates, net emissions calculations may be considered to inform project design/finances.
Quantitative targets	Some commenters recommend providing more clarity, and where possible, specific targets or benchmarks for emissions and resource use.	Targets and benchmarks are industry specific and would go beyond the scope of this GN. Targets are also not identified in ESS3, therefore, the GN cannot include targets or benchmarks that are binding in any way.
Resource efficiency	While the current guidance only states that the efficient usage of resources is “project, context and country-specific”, commenters suggest adding more guidance.	Additional guidance and cross references are provided in GN5.1. and GN5.2.: GN5.1. <i>What constitutes the efficient usage of resources, including energy, water and raw materials, is project-, context-, and country-specific <u>but should be consistent with Good International Industry Practice (GIIP), in the first instance the Environmental, Health, and Safety Guidelines. In accordance with ESS1, resource efficiency measures should be analyzed as part of the environmental and social assessment. For further information on the Environmental, Health and Safety Guidelines, see the Bibliography of this Guidance Note.</u></i> GN5.2. <i>The terms “cleaner production” and “resource efficiency” refer to the concept of <u>integrating pollution reduction and/or raw material-, water-, and energy-conserving measures into the design of product and production processes, or adopting an alternative process.</u></i>
Significant user of water	The commenters suggest providing more guidance on determining whether the project is a significant user of water or has significant impacts on water quality, and how to address such risks and impacts.	The relevant paragraphs in the GN were expanded to provide more guidance: GN7.1. <i>For purposes of <u>ESS3 paragraph 7</u>, the significance of water use is <u>will be determined on a case-by-case basis. This includes consideration of water availability-, including seasonal and multi-year <u>multiyear</u> variations</u>, <u>in water tables and precipitation</u>, as well as water resource demand. <u>Examples of projects which could involve significant use of water include agriculture, thermal water-cooled power plants, mining, water distribution, and groundwater abstraction projects.</u></i> GN7.2. <i>When identifying measures related <u>a project is a significant net consumer of water, or contributes to depletion of water resources to the extent that third parties'</u></i>

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		<p><u>ability to access water is adversely affected, efforts should be made to reduce water consumption, it is to a level at which these adverse impacts are avoided or at least mitigated. It is also important to consider impacts on water quality as well as quantity.</u></p> <p>Water quality can be affected by contaminated wastewater and refuse associated with projects involving construction, agriculture, and industry, among others. Suggested measures include reducing or eliminating on-site and post-project runoff, controlling sources of pollutants, and treating contaminated water before discharge into drainage systems or receiving waters to minimize impacts on water quality, in a manner consistent with GIIP or other compatible good practices. Mitigation measures to reduce impacts on water quality and quantity include avoiding the impacts by re-siting the project, applying resource efficiency measures such as reverse osmosis-based water recovery or dry cooling, or minimizing evaporation/evapotranspiration, dry cooling, minimizing evaporation/evapotranspiration, improving irrigation systems as well as irrigation scheduling, promoting soil-water conservation measures (such as conservation tillage and incorporation of crop residue where appropriate), and in terms of water quality, promoting rational use of fertilizers and better management of animal wastes. Measures to address impacts on water quality and quantity in various phases of project development may be found in the Environmental, Health, and Safety Guidelines cited in the Bibliography of this Guidance Note.</p>
Water balance	Some commenters suggested to expand guidance on the methodology of detailed water balance as required in ESS3, paragraph 8.	<p>The relevant paragraph was revised as suggested by the commenters:</p> <p>GN8.2. (...) <u>Methods to support detailed water balances include water accounting through remote sensing—to the extent technically and financially feasible, and in a manner proportionate to the project scope—to estimate water flows, fluxes, stocks, consumption, and services, and to communicate water-resources-related information to communities, users, and decision makers.</u></p>
Water use efficiency	Commenters recommend adding guidance on water use efficiency as required in ESS3, paragraph 8.	<p>The relevant paragraph was revised as suggested by the commenters:</p> <p>GN8.3. (...) <u>With respect to water productivity, approaches such as water accounting may be useful to assess the extent to which water productivity increases have an effect on other water users. For example, increasing water productivity, while maintaining</u></p>

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		<i>existing water withdrawal, will increase the efficiency of water use, but, at the same time, may affect downstream water users who depend on return flow in rivers or groundwater aquifers.</i>
Cumulative impacts	Commenters emphasized the importance of cumulative impacts , but pointed out that these were not addressed in relation to water use.	The relevant paragraph on cumulative impacts was expanded to include such impacts on water use: <i>GN9.1. Cumulative impacts of projects are defined in ESS1, Footnote 22. <u>With respect to water, the environmental and social assessment includes impacts on surface and groundwater, and impacts on water quality and quantity—, including current and planned uses of water in the same hydraulic basin (including watersheds and groundwater). Appropriate mitigation measures should address short- and long-term cumulative impacts on communities, other users, ecosystem services, and the environment.</u></i>
Air pollution	It was suggested to add more guidance on how to reduce/mitigate air pollution .	A new paragraph was included to address air pollution management in more detail: <i>GN 15.1. Air emissions can originate from point and nonpoint sources. The characterization and estimation of project air emissions within a defined airshed where the proposed project is to be located requires collection and evaluation of baseline data on ambient concentrations of parameters such as PM10, PM2.5, SO₂, NOX, and ground-level ozone, in consideration of averaging time consistent with relevant national air quality standards and GIIP. The size of the airshed will depend on project design factors such as stack height, and characteristics such as meteorological conditions and topography. If the airshed is not defined by legislation or relevant environmental authorities, the environmental and social assessment should clearly define the airshed through scoping and consultation authorities and relevant stakeholders. For further information on the reduction and/or management of air pollution, consult the Environmental, Health, and Safety Guidelines.</i>
Pesticides	It was suggested to address the need for training and awareness raising for personnel handling pesticides.	A new paragraph was added as suggested by the commenters: <i>GN22.2. If pesticides are applied, training and awareness raising are required for personnel handling and applying pesticides to avoid harm to personnel and avoid</i>

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		<u><i>environmental issues like surface and groundwater pollution, wind drift beyond the targeted area, and other adverse side effects.</i></u>

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS4: Community Health and Safety		
ISSUE	KEY FEEDBACK	BANK RESPONSES
References and methodologies	A number of commenters suggested to reference relevant international agreements as well as relevant methodologies (e.g., on dam safety risk management).	A list of non-exhaustive relevant international agreements and methodologies were included in the bibliography, including: <ul style="list-style-type: none"> • UN Convention on the Rights of Persons with Disability • World Forum for Harmonization of Vehicle Regulations • International Code of Conduct for Private Security Service Providers • Australian National Committee on Large Dams (ANCOLD). 2003. "Guidelines on Risk Assessment."
Gender	Commenters asked for detail on gender issues, in particular on the use of gender disaggregated data.	The principle of making special efforts to include women in the development process and to assess any risks that may fall on them disproportionately is explicit throughout the ESSs and their GN. It was acknowledged that " Health risks may also place a disproportionate burden on women, who are often responsible for family health care. " (GN15.8.)
Health impact assessment	It was suggested to add a paragraph on the potential role of health impact assessments .	Language was added to the GN, pointing to health impact assessments: <p>GN5.1. A health impact assessment can be conducted as part of the environmental and social assessment.</p>
Influx of workers	Several comments were submitted on health and safety risks posed by the influx of workers into an area during construction and providing support services as a result of the project.	Labor influx is treated throughout the GN and in a separate Bank guidance note. Relevant text in the GN was expanded to provide further guidance: <p>GN5.2. Some groups within a community may be particularly vulnerable to health and safety risks from a project because of, for example, their age, health, level of education, gender, occupation, socioeconomic conditions, status, gender, and/or disability. Identifying individual groups considered to be vulnerable is an important part of the environmental and social assessment-, and enables inclusive measures to be incorporated into projects to avoid harm to vulnerable groups and improve project performance. Attention should be given to the health and safety risks posed by the influx of workers or people providing support services into an area as a result of the</p>

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		<u>project. Risks related to labor influx are known to be potentially highest for large infrastructure projects in remote areas.</u>
Certification	Some commenters requested more clarity on “competent authority certification,” in particular where government capacity may be limited.	This comment was addressed through an addition to paragraph GN6.3. : <u>In situations where the governmental regulatory capacity to provide “competent authority certification” may be limited, external professionals who are competent to certify or approve structural elements of the project should maintain independence from the project implementer, as they are undertaking inherently governmental functions. Similar considerations apply in determining whether third-party life and fire safety audits are required. The certification and approval of some structural elements will, in some cases, go beyond local regulatory requirements.</u>
Safety of services	Some commenters suggested including a list of risks arising from poor quality services and to provide guidance on key elements of a quality management system for safety of services.	This list was added as suggested to paragraph GN9.1. : <u>(a) Water or irrigation canals, such as drowning, flooding, or water-related diseases;</u> <u>(b) Waste disposal, such as toxicity, waste dump collapse, or air pollution;</u> <u>(c) Quarries or excavation works, such as rock falls or hazardous equipment;</u> <u>(d) Water and sanitation services, such as contaminated water or spread of disease;</u> <u>(e) Electricity supply, which may result in electric shock from electrical cabinets or cables;</u> <u>(f) Service providers, which may use their service for the purpose of financial, sexual, or other exploitation, particularly of vulnerable groups such as women, children, and the elderly.</u> The Management system was addressed: GN9.2. The <u>Management systems allow for timely identification of community health and safety risks, and are designed to provide for compliance with reference to national and internationally recognized environmental, health and safety standards, and support. The system should set out as a minimum the organizational arrangements and responsibilities for hazard identification and assessment, and the processes for monitoring and managing risks, and for the development and monitoring of</u>

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ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i>appropriate mitigation measures during the design, construction, operation, or provision of such services. <u>These systems should take into account project-related risks as well as external risks that may impact the project. In the event that such management systems are not in place at the start of the project identification, they could be developed as part of the project.</u></i>
Traffic and road safety	Some comments asked to expand guidance on traffic and road safety, in particular with regard to vulnerable groups.	A reference to vulnerable groups was added to paragraph GN11.4.: <i><u>The requirements for vulnerable groups, such as adequate lighting in public areas, suitable ablution facilities near transport, and adequate road crossing structures should all be taken into consideration in the assessment.</u></i>
Public health	It was requested to include more guidance on specific public health issues .	Within the scope of this GN, a number of specific public health issues were listed or addressed, for example: GN15.1. Water-borne <i>Waterborne</i> diseases are <u>conditions</u> caused by <u>pathogenic microorganisms within a water source</u> . Consuming water contaminated by human, animal, or chemical wastes; <u>while bathing, washing, drinking, or by eating food exposed to infected water is the primary source of such diseases</u> . These diseases are especially prevalent in areas lacking access to adequate sanitation <u>or treatment facilities</u> , and include cholera, diarrhea, <u>dysentery</u> , and typhoid. GN15.3. Vector-borne diseases are caused by pathogens and parasites in human populations transmitted by vectors <u>and are often region-specific in nature, such as mosquitoes, ticks, and so forth</u> . (...) GN15.4. Communicable diseases are illnesses <u>caused by an infectious agent or its toxins that occur through the direct or indirect transmission of the infectious agent or its products from an infected individual or via an animal, vector, or the inanimate environment to a susceptible animal or human host</u> . (...) GN15.5. Non-communicable <i>Noncommunicable</i> diseases (...) <u>may include: (...) mental and substance use disorders; digestive diseases; genitourinary diseases; skin diseases; and musculoskeletal diseases and diabetes</u> . Air pollution is also a major contributor to <u>noncommunicable diseases</u> .

ESS4: Community Health and Safety		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<p>GN15.6. <i>The types of projects that may contribute to increased health risks and, therefore, call for particular consideration, include (...) projects that may result in exposure to <u>air pollution, hazardous materialmaterials, chemicals, particulate matter, or radiation, or that</u> contribute to a higher incidence of non-<u>communicable</u> diseases <u>noncommunicable</u> diseases; or projects that exacerbate existing health conditions, <u>affect mental health, or reduce the quality of nutrition; and projects that lead to greater risk of exposure to disease or health issues, for example, as a result of changes to mobility or behavior.</u></i></p>
Stakeholder engagement	Some commenters emphasized the role of stakeholder engagement for community health and safety.	<p>References to stakeholder engagement were inserted in relevant places throughout the GN, for example:</p> <p>GN15.7. (...) <u>In accordance with the requirements of ESS10, community health and safety assessments should be carried out in consultation with local communities, including representatives of local health authorities.</u></p>
Hazardous waste	It was suggested to provide guidance on relevant risk assessments and mitigation plans.	<p>Detail on Hazardous Materials Management Plans and Risk Hazard Assessment was added to the GN:</p> <p>GN18.4. <i>Where the risks and impacts of community exposure to hazardous materials and wastes are potentially significant, it may be appropriate to develop a Hazardous Waste Management Plan or a Hazardous Materials Management Plan. <u>The Hazardous Materials Management Plans should set out, at a minimum, the organizational arrangements and responsibilities for implementation—of hazardous material identification, storage, handling, use, and disposal, including the processes for monitoring and managing the risks and for implementing the necessary mitigation measures throughout the project life -cycle.</u></i></p> <p>GN20.1. (...) <u>The RHA should describe the process for:</u></p> <ul style="list-style-type: none"> • <u>Identifying hazards and other risk factors that may cause harm, and who may be at risk;</u> • <u>Analyzing and evaluating the hazards and risks;</u>

ESS4: Community Health and Safety		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<ul style="list-style-type: none"> <u>Identifying and implementing the controls necessary to eliminate the hazard or control the risks, at all stages of the project life cycle;</u> <u>Connecting with relevant national and local authorities, in particular those set forth under the framework of the International Health Regulations.</u> <p><i>When there are risks that hazardous materialmaterials or substances may be released by a project, the potential for <u>describes the measures to be put into place to address the emergency and protect those at risk. Borrower capacity to prepare an RHA should be assessed and, if necessary, supplemented with external expertise.</u></i></p>
Dam safety	A number of comments suggested the need for further guidance in regard to dam safety panels, including the independence of their members and disbandment of the panel.	<p>Relevant guidance was expanded:</p> <p>GNA1.6.1. <i>Relevant expertise for a dam includes geology, hydrology, hydraulics, civil engineering, hydro-mechanical expertise, hydro-electrical expertise, and materials expertise<u>hydromechanical expertise, hydroelectrical expertise, and materials expertise. It may also include public health expertise, depending on the potential impacts on affected communities. The selection process for panel members with the relevant expertise should ensure that panel members are independent, as required in paragraph 3 of this Annex.</u></i></p> <p>GNA1.6.2. (...) <u>The selection process should ensure that panel members are independent, as required in paragraph 3 of this Annex. Independence from the Project is defined in ESS1.</u></p> <p>GNA1.7.1. <u>The assessment that there are no significant issues with the filling and the start-up of the dam and the disbandment of the Panel requires a no objection from the World Bank.</u></p>

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement		
ISSUE	KEY FEEDBACK	BANK RESPONSES
National law and requirements of ESS5	Some commenters contend that national law should apply where it is inconsistent with ESS5.	ESS5 requirements imply the need for a borrower to go beyond what national law requires.
Disadvantaged and vulnerable groups	Commenters recommended to define vulnerability and provide examples. There should be a recommendation that Borrowers should pay a minimum compensation poor and vulnerable affected households.	Additional text was introduced in several places to emphasize the importance of addressing impacts on the disadvantaged and vulnerable: <i><u>GN11.3. Paragraph 11 refers to the importance of taking into account resettlement impacts on the poor and vulnerable in project design. Special attention to vulnerable affected people is also required by a number of other provisions of ESS5 (see Objectives; footnote 4; footnote 9; and paragraphs 7, 8, 28, and others), each of which should be read in conjunction with the definition of disadvantaged and vulnerable persons in footnote 28 of ESS1.</u></i> <i><u>GN12.4. It is often poor and vulnerable people who are required to move as a result of displacement for project purposes. In such circumstances, the calculation of replacement cost defined in footnote 6 establishes a minimum standard that should enable the purchase or construction of housing that meets acceptable minimum community standards of quality and safety, even though the house being replaced may have been substandard.</u></i>
Resettlement as “sustainable development program”	More guidance was requested with regard to the notion that resettlement should be seen as sustainable development program.	A new paragraph was added: <i><u>GN14.3. In applying paragraph 14, the Borrower should take into account the requirement that resettlement activities should be conceived and executed as sustainable development programs, providing sufficient investment resources to enable the persons displaced by the project to benefit directly from the project, as the nature of the project warrants. Designing resettlement activities as sustainable development programs focuses on possible direct links between project benefits and affected people, and that integrates livelihood and compensation measures into the design of the project itself, rather than treating them as separate measures to mitigate project impacts. For example, local communities could in some instances be</u></i>

ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i>given preferential access to employment opportunities related to infrastructure financed by the project. Paragraph 14 provides an important qualifier, by indicating that development opportunities should be pursued and designed as the nature and objectives of the project may allow. Not all projects are equally amenable to such an approach, particularly where resettlement impacts are minor and can be adequately addressed through compensation.</i>
Improving or restoring livelihoods	Some commenters posit that the goal of ESS5 should be to “improve” not simply to “restore” livelihoods and propose that the Bank should assist Borrowers to improve livelihoods and living standards through resettlement, and to identify the special conditions under which the minimal “restoration” standard is permissible.	The objective of ESS5, as stated in the section of “Objectives” in ESS5, is to improve, or at least restore livelihoods. This provision draws closely from existing language in OP4.12. Where appropriate, the GN has been revised to put greater emphasis on the desirability of improving livelihoods, for example: GN12.1.: (...) <i>It is important to keep in mind that compensation for lost assets is a necessary part of addressing displacement impacts. However, payment of compensation alone may not be sufficient to address the range of impacts on livelihoods that displacement can cause—experience shows that an exclusive or undue emphasis on compensation can in some cases contribute to impoverishment, if it is not accompanied by serious attention to assisting affected people to rebuild and sustain and, optimally, enhance, their incomes and livelihoods. Hence, paragraph 12 of this ESS and other provisions dealing with compensation need to be applied in conjunction with provisions that address the restoration or improvement of livelihoods, in particular, paragraphs 33–36.</i>
Resettlement impacts	A definition of “significant” resettlement impacts was requested.	Whether resettlement impacts are “significant” should be assessed on a case-by-case basis and so no definition is considered appropriate for inclusion in the GN.
Resettlement plans	Commenters pointed out that the assessment of resettlement cost estimates and contingencies necessarily requires	Additional text was added: GN11.2. (...) <i>Resettlement plans and budgets should be prepared in tandem with other project design aspects, while a range of designs are still being assessed and considered. Early public disclosure and consultations of draft resettlement plans and budgets is important to ensure effective and inclusive planning, which in turn is more likely to lead to successful implementation that meets the objectives of ESS5.</i>

ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement		
ISSUE	KEY FEEDBACK	BANK RESPONSES
	resettlement plans and budgets to be prepared upfront along with other project design aspects.	
Grievance mechanism	It was suggested that project-affected persons should be involved in designing grievance mechanism.	Additional language was added to the relevant paragraph: GN19.1. <i>Grievance mechanisms are established as part of the resettlement plan (see paragraph 21 and ESS10-), and their design takes into account the views of affected communities expressed during the resettlement planning process. Regardless of scale, involuntary resettlement may give rise to grievances among affected households and communities over issues ranging from rates of compensation and eligibility criteria to the location of resettlement sites and the quality of services at those sites.</i>
Voluntary land donation	Commenters made a number of suggestions regarding voluntary land donation , including the need to consult stakeholders other than the landowner and due diligence conducted by an independent third party.	The relevant paragraphs were expanded to provide further clarifications: GN4.12. (...) <i>Where land is donated by the owner, other users and occupiers of the land beyond the legal owner who will be physically or economically displaced as a result of the donation should equally be consulted and the impacts on them will be addressed in accordance with this ESS.</i> GN4.13. (...) <i>Ensuring transparency with regard to voluntary land donations may benefit from an independent third-party review.</i>
Pre-project land acquisition	Commenters asked for more guidance on how land acquisition in anticipation of a project is to be handled.	Guidance on this issue is already extensive. Some clarifications were added: GN4.16. (...) <i>World Bank determines, in consultation with the Borrower, that the land acquisition or restriction on land use was directly linked to the eventual Bank-financed project and was done in anticipation of or in preparation for the project. (...) Determining whether paragraph 4(h) applies to a specific situation, including whether a prior activity is reasonably close in time to development of the Bank-financed project, thus calls for case-by-case analysis and discussions between the Borrower</i>

ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i>and the Bank.</i>
Associated Facilities	Some commenters argued that while the GN addresses resettlement impacts separated in time, it does not sufficiently address resettlement in relation to Associated Facilities .	A new paragraph was added: <u>GN4.18. ESS5 should also be read with reference to ESS1, paragraphs 10–12, and related Guidance Notes, which set out the scope of application of the ESSs. In accordance with paragraph 10 of ESS1, ESS5 applies to Associated Facilities, to the extent the Borrower has control or influence over such Associated Facilities.</u>
Land titling	Commenters suggested clarifying Borrower responsibilities regarding land titling , including in cases of ‘private – private’ disputes arising in the titling context.	Further clarifications were added: <u>GN7.2. In the context of land titling projects, paragraph 7 distinguishes between two scenarios. First, it excludes from its coverage “private-private” disputes arising in titling contexts. Where two private parties claim the same land and the land is granted to one party, the other party is not entitled to protection under ESS5. For such situations, the potential social risks of such projects are considered in the environmental and social assessment of ESS1, including the provisions in footnote 29 of ESS1. The second scenario concerns the possible displacement of people from land that has been determined as a direct result of a determination under the project to belong that the land in question belongs to the state, in which case. In these circumstances, ESS5 is applicable, although the occurrence or incidence of such displacement can frequently be avoided or reduced through project design.</u>
Land use planning	If the project also finances implementation of output from the technical assistance to support land use planning that results in involuntary resettlement, then ESS5 applies. Commenters	The following clarification added to GN8.1 : <i>“Displacement impacts and mitigation measures, as well as their costs, should be taken into account in designing land use and natural resource regulation. Depending on the nature of the plan or regulation being prepared and their potential downstream impacts, it is good practice to prepare resettlement frameworks as part of the process of land use planning and regulation development. This ensures there are measures in place at early stages to protect vulnerable households when implementation comments...”</i>

ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement		
ISSUE	KEY FEEDBACK	BANK RESPONSES
	<p>suggested that it be clarified that it is best practice to prepare resettlement frameworks as part of the process of land use planning and regulation development. This ensures there are measures in place at early stages to protect vulnerable households. Displacement impacts and mitigation measures, as well as their costs, should be taken into account in designing land use and natural resource regulation.</p>	
Replacement land	<p>A number of comments addressed issues related to replacement land, including documenting when replacement land is not available and characteristics replacement land (and housing) should have.</p>	<p>Guidance on replacement land was expanded as follows:</p> <p>GN14.1. (...) <u><i>If the Borrower determines that replacement land is not available, this determination should be documented in a manner that demonstrates to the Bank's satisfaction that the Borrower has adequately evaluated potential replacement land options.</i></u></p> <p>GN27.1. <i>Adequate housing options are those that allow access to employment options, markets, and other means of livelihood such as agricultural fields, as well as basic infrastructure and services, such as water, electricity, sanitation, health -care, and education, depending on the local context. <u>Replacement housing should, as appropriate, be of sufficient quality to protect inhabitants from weather conditions and environmental hazards and provide for their physical safety; and housing structures should provide adequate space, taking into account household size and the</u></i></p>

ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<u>number of women and children. Designs should, as appropriate, reflect the special needs of persons with disabilities and the elderly to make housing and other facilities physically accessible. Adequate sites are safe and, at the least, not subject to periodic flooding or other hazards. In resettling physically displaced people who have land-based livelihoods, a key factor is, where feasible, provision of replacement land in accordance with paragraph 35 that has a combination of productive potential, location advantages, and other factors at least equivalent to that being lost.</u>
Land-based livelihoods	Some commenters pointed to the complexity of restoration of land-based livelihood and recommended more detail on this issue.	<p>The paragraph addressing this issue was expanded:</p> <p>GN35.2. <i>The following are examples for the design of measures to improve or restore livelihoods that are land-based, wage-based, and enterprise-based:</i></p> <p>(a) Land-based livelihoods:<u>Land-based livelihoods: Paragraph 35 provides that where feasible, economically displaced persons with land-based livelihoods will be offered replacement land with a combination of productive potential, location advantages, and other factors at least equivalent to that being lost. Depending on the context and the nature of the affected livelihoods, “other factors” may include the legal status of the land, access to grazing land, fallow land, forest, fuel, and water. In addition, depending on the type of economic displacement and/or the site to which project-affected people are relocated, they may benefit from: (i) assistance in acquiring or accessing replacement land, including access to grazing land, fallow land, forest, fuel and water resources; (ii) physical preparation of farm land (for example, clearing, leveling, access routes, and soil stabilization or enrichment); (iii) fencing for pasture or cropland; (iv) agricultural inputs (such as seeds, seedlings, fertilizer, irrigation); (v) veterinary care; (vi) small-scale credit, including seed banks, cattle banks, and cash loans; (vii) access to markets (for example, through transportation means, improved access to information about market opportunities and organizational support; and (viii) training) training (including individual or household-based counselling on the livelihood risks and opportunities of compensation and</u></p>

ESS5: Land Acquisition, Restrictions on Land Use, and Involuntary Resettlement		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i><u>investment opportunities). Where land-based livelihood of small-scale subsistence farming is severely affected by substantial loss of productive land, particular attention needs to be paid to fragility, including food security risks for affected households. Additional fragility factors such as erosion and climate risks (drought, floods, climate change trends, and so forth) should be taken into account in assessing livelihood risks and developing additional support measures.</u></i>
Informal settlers	Additional guidance was sought on relocation of informal settlers in urban areas and on livelihood improvement/restoration of squatters.	The GN includes detailed guidance on the treatment of informal settlers. Mitigation measures are often context-specific, and should be decided on a project-by-project basis.

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources		
ISSUE	KEY FEEDBACK	BANK RESPONSES
References	Commenters recommended to align the GN with IFC PS6 GN and provide reference to other relevant international treaties/agreements, best practice and guidance.	References to IFC’s PS6 Guidance Notes have been added to a new Bibliography, which includes, among other sources: <ul style="list-style-type: none"> • Convention on International Trade in Endangered Species of Wild Flora and Fauna • Convention on the Conservation of Migratory Species of Wild Animals • Berne Convention on the Conservation of European Wildlife and Natural Habitats • Food and Agriculture Organization of the United Nations International Plant Protection Convention • Ramsar Convention on Wetlands of International Importance, especially as Waterfowl Habitat
Definitions, clarifications, examples	Several commenters recommended enhancing definitions of terminology including: material hierarchy, ‘biodiversity’, ‘critical habitats’ and ‘offsets and to provide examples for specific biodiversity areas.	Additional examples, including for biodiversity areas, were added throughout the GN, where appropriate.
Definitions, clarifications, examples	It was suggested to expand the list of threatened species .	The Appendices of the Convention on the Conservation of Migratory Species of Wild Animals (CMS) have been included in the Bibliography.
Role of Indigenous Peoples, women, and disadvantaged groups	It was suggested to provide greater clarity regarding the role of IP/SSAHUTLCs in, and the gender dimensions of, biodiversity conservation and sustainable	Project risks and impacts on IP/SSAHUTLCs are addressed in ESS7 and the accompanying GN. Gender issues are addressed through the non-discrimination principle in ESS1.

ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources		
ISSUE	KEY FEEDBACK	BANK RESPONSES
	management of living natural resources.	
Scoping	Some commenters recommended expanding the treatment of scoping to include pre-design screening, field assessments, and baselines.	Materials relevant to support effective scoping and to collect proper baseline data is included in the Bibliography, such as reference databases and tools including IBAT, Protected Planet, Bird Life International, RAMSAR, and guidance for the collection of biodiversity data.
Types of impacts	Some comments suggested emphasizing the different types of impacts , including direct, indirect, cumulative, and transboundary impacts.	Types of impacts are addressed in ESS1 and its GN. For purposes of clarity, these types were also referenced in paragraph GN6.1. : “Impacts can be direct, indirect, and/or cumulative.” GN8.2. <i>Managing risks and impacts of projects on biodiversity and natural habitats begins with scoping to determine whether the project has the potential to affect areas important for biodiversity and living natural resources, which should include consideration of transboundary risk or impact. (...)</i>
Precautionary approach	It was suggested to expand guidance on the precautionary approach with regard to the handling of high biodiversity risks, as well as to highlight that decisions may need to be made in the context of scientific uncertainty.	The paragraph addressing scientific uncertainty was expanded through additional text on the precautionary approach: GN 11.3. <i>It is recognized that decisions regarding the management of biodiversity, habitats, and natural resources often are made in the context of scientific uncertainty. In part this is because reliable baseline data on the status and trends of species and habitats are scarce or absent for many locations. Another source of uncertainty is that ecological systems are inherently highly complex, often making it difficult to predict the multiple and long-term impacts of actions. In such circumstances, a precautionary approach should be applied such that where there is not full scientific certainty about adverse impacts on biodiversity, the Borrower should nevertheless apply cost-effective mitigation measures.</i>

ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources		
ISSUE	KEY FEEDBACK	BANK RESPONSES
Adaptive management	Commenters asked that guidance be included to underscore that adaptive management is often needed to respond to unforeseen occurrences, or as a result of environmental monitoring. Furthermore, the suggestion was made to add guidance on what applying adaptive management means in practice for projects.	<p>These issues are addressed through a range of new paragraphs:</p> <p><u><i>GN 12.1. The Cross-Sector Biodiversity Initiative and the Multilateral Financing Institutions Biodiversity Working Group have produced a number of useful guidelines and descriptions of good international practice relating to environmental and social assessment of project risks and impacts on biodiversity, living natural resources, habitats, and ecosystems. This includes aspects such as early screening and scoping of potential impacts, application of the mitigation hierarchy, collection and verification of baseline data, and monitoring.</i></u></p> <p><u><i>GN 12.2. Biodiversity loss and degradation of ecosystems may be irreversible, or reversible only over very long time periods and at great expense. At the same time, decisions with potential implications for biodiversity, habitats, and natural resources often must be made prior to completion of project designs and/or without the benefit of detailed or up-to-date baseline data. In addition, ecological systems are highly complex, which can make it difficult if not impossible to make reliable predictions concerning the longer-term impacts of project activities. For these reasons, a precautionary approach and adaptive management are two important strategies for managing risks when faced with a high degree of uncertainty. In the precautionary approach, the emphasis is on avoiding actions with potentially harmful (and particularly with irreversible) consequences until there is sufficient information available to properly assess and weigh the likely costs and benefits. Adaptive management involves adjusting actions and approaches based on the results of ongoing monitoring of outcomes.</i></u></p> <p><u><i>GN 12.3. Precautionary approach: Where project screening and scoping indicate that there is good reason to believe that important biodiversity features may be present and could be adversely impacted by project activities, key knowledge gaps should be addressed prior to making decisions on whether or how to proceed with those activities. The adage “absence of evidence is not evidence of absence” is particularly relevant to the question of whether there are unique or endangered species or evolutionary or ecological processes at a project site. Biodiversity surveys should cover biologically important periods (such as breeding and migratory seasons, and dry and</i></u></p>

ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<p><u>wet seasons) and consider all aspects of the life histories of species of conservation interest (such as availability of prey for predatory species, and of pollinators for flowering plants). Absolute knowledge and certainty is rarely if ever achievable in relation to biodiversity and ecological systems, and avoiding or delaying development activities can carry economic and social costs. Consequently, adopting a precautionary approach does not mean demanding full and conclusive information or absolute certainty before taking action. In some cases, data collection or analysis can also proceed in parallel with project development, but they should be completed prior to taking irreversible actions or decisions with significant implications for project impacts. Advice from technical experts and stakeholder consultations should be used to determine what information is sufficient for decision making, and when the anticipated benefits of a development activity outweigh either known or suspected risks and impacts. Where there is residual uncertainty it is common to leave a margin of error, such as setting harvesting limits for wild capture fish or other species below the best available estimate of sustainable yield, at least until this estimate can be refined through monitoring and experience.</u></p> <p><u>GN 12.4. Adaptive Management:</u> <u>Environmental and social assessments carried out during project preparation are necessarily constrained by the information available at the time, and assessment-related decisions may need to be made based on assumptions and predictions. During project implementation new information and unforeseen or changing circumstances can arise that may lead to the failure of mitigation measures or other unexpected results. Adaptive management includes regular monitoring of environmental and social indicators and comparing these with expected outcomes, and revising actions as needed in order to realign the project with ESS objectives. For example, the monitoring of bird and bat mortality at a wind farm might find patterns that lend themselves to adaptive management, such as short-term shutdowns during peak bird use periods or a change in turbine cut-in speed to reduce bat fatalities (during low wind speeds when bats are most active). Similarly, the monitoring of a river-edge forest or wetland might lead to recommendations for changing the water flow releases from a dam. The use of leading indicators, which help to identify problems before they become significant and possibly irreversible, is</u></p>

ESS6: Biodiversity Conservation and Sustainable Management of Living Natural Resources		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<p><i>particularly important for adaptive management in relation to maintaining biodiversity and ecological systems. Details of monitoring and decision-making processes that will support adaptive management of the project should be set out in the Biodiversity Management Plan and the Environmental and Social Commitment Plan, as appropriate.</i></p> <p><u>GN12.5. Generally accepted sources for GIIP for biodiversity and habitat conservation and management are available in relation to certain sectors.</u></p>
Invasive Alien Species	It was recommended to address the initial introduction of invasive alien species into a habitat.	<p>A new paragraph was added:</p> <p><u>GN29.4. The Borrower should avoid the intentional introduction of invasive alien species, even when permitted under national law, except in unavoidable circumstances where the species is essential for the success of the project and where adequate monitoring and risk mitigation measures are established, along with budgets for their long-term implementation.</u></p>
Certification	Commenters suggested referencing both forestry and fisheries harvesting .	<p>The Bibliography includes a section on certification:</p> <ul style="list-style-type: none"> • <u>Forest Stewardship Council (FSC). https://us.fsc.org/en-us/certification.</u> • <u>Marine Stewardship Council (MSC). https://www.msc.org/.</u> • <u>SmartWood Certification (Sustainable Communities Online). https://www.sustainable.org/environment/land-forests-a-ecosystems/1080-smartwood-certification.</u>
Animal Welfare	Commenters suggest including guidance to animal welfare .	A reference to the “IFC Good Practice Note on Improving Animal Welfare in Livestock Operations” was included in the ESS6 GN Bibliography.

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities		
ISSUE	KEY FEEDBACK	BANK RESPONSES
Gender	Commenters called for a clearer role for gender-equal expertise, the explicit equal inclusion of women in consultations and in impact assessments.	Guidance on assessment on differentiated gender impacts was added: GN11.1. (...) <i>The assessment should consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of IP/SSAHUTLC.</i> (...) GN23.3. <i>The consultation with the affected IP/SSAHUTLC is conducted in a gender-inclusive manner, so that the interests of both genders are considered in all aspects of project planning and implementation.</i> Appendix: The assessment should consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of IP/SSAHUTLC.
Human rights-based approach	Commenters suggested to make specific mention of relevant international human rights instruments and international conventions on Indigenous Peoples in the opening paragraph of the GN relating to ESS7.	A human rights-based approach is outside the scope of the ESF.
References	The commenters suggest adding reference to international conventions on Indigenous Peoples , such as UN Declaration of the Rights of IPs (UNDRIP), ILO169, and other regional instruments.	The Bibliography includes the United Nations Declaration on the Rights of Indigenous Peoples and a paragraph was added to reference this declaration: GN6.3. <i>It should also be recognized that a number of countries have enacted national legislation on IP/SSAHUTLC and expressed support for international or regional instruments for the protection of IP/SSAHUTLC, which include the UN Declaration on the Rights of Indigenous Peoples (2007).</i>
Identification	Commenters suggested adding guidance to address if ESS7 still applies in case only one criteria identifying IP/SSAHUTLC is	The applicability of the identifying criteria is clear both in ESS7 and in the GN. Short clarifications were added: GN8.3. <i>There is no hierarchy to the four characteristics and that all of them need to <u>be present.</u> However, they may be present in varying degrees.</i> (...)

ESS7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities		
ISSUE	KEY FEEDBACK	BANK RESPONSES
	missing and requested more guidance on how to interpret “varying degrees” in particular.	<i>GN9.1. (...) languages that have been lost outside this time frame are still covered if there is evidence of efforts of preservation of the language.</i>
Identification	Commenters requested lists of IP/SSAHUTLC in all countries.	The determination of eligible IP/SSAHUTLC is project specific, and also sensitive in some regional or country context.
Participation in development processes	It was suggested that the GN should be more specific with respect to IP/SSAHUTLC’s participation in the development processes including the development of IP/SSAHUTLC plans.	<p>The role of IP/SSAHUTLC in development processes was emphasized through the following revisions:</p> <p><i>GN11.1. (...) The assessment should consider differentiated gender impacts of project activities and impacts on potentially disadvantaged or vulnerable groups within the community of IP/SSAHUTLC. (...) Consultations with IP/SSAHUTLC can support and strengthen the assessment and help in identifying their development priorities and preferences regarding both project benefits and mitigation measures. Consultations are carried out with IP/SSAHUTLC in a manner that is culturally appropriate, and their inputs are considered in project design and IP/SSAHUTLCS plans. (...)</i></p> <p>The following guidance was added to Appendix A: <i>The above assessment, plan, and framework will be prepared in consultation with project-affected IP/SSAHUTLC. The draft and final assessment, plan, and framework will be disclosed pursuant to the relevant requirements of ESS1 and ESS10.</i></p>
FPIC	More guidance on FPIC was requested and it was suggested that FPIC must also be obtained when changes to project design will result in any of the circumstances of FPIC being met.	<p>More detailed guidance on FPIC would be outside the scope of this GN. With regard to FPIC for changes in project design, a new paragraph was added:</p> <p><i>GN28.1. If there are significant changes to the project design, implementation arrangements, and/or expected outcomes that result in additional risks and impacts for the affected communities of IP/SSAHUTLC, and if it is evident that the FPIC already provided is insufficient to include such changes, the Borrower will obtain FPIC for such changes.</i></p>
Cultural appropriateness	It was suggested to provide additional clarity on how to determine what culturally appropriate compensation is.	ESS7, paragraph 21, adequately addresses culturally appropriate compensation.

ESS7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities		
ISSUE	KEY FEEDBACK	BANK RESPONSES
Voluntary isolation	It was suggested that while ESS7 says “the project resulting in undesired contact will not be processed further”, GN 19.1. appears to allow such contact.	GN19.1. was revised to reflect the requirement of ESS7: <u>“the aspects of the project that would result in undesired contact will not be processed further.”</u>
Conversion of ownership	Commenters suggested including guidance on the conversion of collective land ownership and clarifying that it should not be promoted.	A new paragraph was added to address this issue: GN29.1. <u>Projects that enhance the land tenure security of IP/SSAHUTLC can have significant positive impacts on their well-being. Land titling within an appropriate legal framework helps to protect IP/SSAHUTLC’s land and resources from external encroachment and expropriation, constitutes a means for economic growth or self-subsistence, and legitimizes traditional and cultural ways of handling such territories under customary institutions and rules. However, the process of legal recognition of IP/SSAHUTLC’s ownership, occupation, or usage of land and natural resources is complex and may carry a number of risks. It may, for instance, lead to conflicts (at least short term) over land and resources among various local communities, or between local communities and outside interests. It may replace customary institutional arrangements with new rules or systems not attuned to the context of IP/SSAHUTLC’s land and natural resource use practice. In case of conversion of customary usage rights to individual ownership rights, it could also disturb the essential collective nature of IP/SSAHUTLC’s communal ownership. While the possible scenarios described in paragraph 29 of ESS7 are relevant to only a limited number of projects, such risks should be taken into consideration in determining the application of this paragraph.</u>
Land replacement	More guidance on land replacement and its challenges was suggested, including characteristics the replacement land should fulfill.	Two new paragraphs were added to provide additional guidance: GN30.1. <u>Land replacement strategies may include resettlement on public land or on private land purchased for resettlement. When replacement land is offered, the combined characteristics of the land, such as productive potential, advantages of location, and security of tenure, as well as the legal nature of the land title or use rights are at least equivalent to those of the original site. If the Borrower determines that replacement land is not available, this finding should be documented in a manner that demonstrates to the Bank’s satisfaction that the Borrower has adequately</u>

ESS7: Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<p><i>evaluated a sufficient range of potential options.</i></p> <p>GN30.2. (footnote 19). <i>Non-land-based income-earning opportunities may include access to credit facilities, skills training, business start-up assistance, employment opportunities, or cash assistance additional to compensation for land. Such opportunities should be provided in a culturally appropriate manner.</i></p>
Grievance mechanism	Some commenters pointed out that the grievance mechanism should be appropriate for the IP/SSAHUTLC and that they should be involved in its development.	<p>This clarification was added as follows:</p> <p>GN34.2. (...) <i>The grievance mechanism should be designed in consultation with project-affected IP/SSAHUTLC.</i></p>

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS8: Cultural Heritage		
ISSUE	KEY FEEDBACK	BANK RESPONSES
Examples	Commenters expressed diverging views on the utility of specific examples , some questioned the feasibility of some examples included in the draft, others asked for more examples. Overall, most commenters noted a need for more, rather than fewer, examples to illustrate this topic.	The use of examples throughout the GN was reviewed. Some examples were added to provide more practical guidance. Among others, examples for intangible cultural heritage and natural features with cultural significance were added to the GN.
References	Several suggestions were made to reference guidance materials with detailed discussions of cultural heritage assessment and management and relevant international treaties.	A bibliography was added, including, among other references: <ul style="list-style-type: none"> • UNESCO World Heritage Convention • UNESCO Operational Guidelines for the Implementation of the World Heritage Convention • Why Cultural Heritage Matters. A Resource Guide for Integrating Cultural Heritage Management into Communities Work at Rio Tinto
Feasibility	Some commenters questioned the feasibility in particular of the recommended methodologies to identify cultural heritage.	The relevant paragraph GN10.1. includes a listing of methodologies for documenting and protecting cultural heritage, it does not prescribe that all those methodologies must be used. To clarify this, a sentence emphasizing proportionality was added: “The application of such methods is proportionate to the risks and impacts of the project on cultural heritage.”
Gender	Commenters suggested to include a discussion of specific gender issues.	The principle of making special efforts to include women in the development process and to assess any risks that may fall on them disproportionately is explicit throughout the ESSs and their GN. A specific discussion of cultural heritage and gender was not added to the GN.
Indigenous Peoples	Some comments suggested to include a specific discussion of cultural heritage of Indigenous	Cultural heritage of Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities is discussed in ESS7 and its GN.

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ISSUE	KEY FEEDBACK	BANK RESPONSES
	Peoples and to emphasize the role of indigenous and local customs and how they need to be considered in the assessment and management of cultural heritage impacts.	References to indigenous and local customs and custom bearers were added throughout the GN. A relevant reference was included in the bibliography: <ul style="list-style-type: none"> The Tkarihwaié: ri Code of Ethical Conduct to Ensure Respect for the Cultural and Intellectual Heritage of Indigenous and Local Communities.
Mitigation hierarchy	Some commenters asked for examples for applying the mitigation hierarchy in a cultural heritage context.	An example was added in the relevant paragraph: <p>GN7.1. ... For example, project activities may require cutting of trees <u>or the movement of boulders that are used for cultural or religious practices and are considered to be sacred. If potential risks and impacts are identified, measures and actions to avoid, mitigate, and/or manage them are put into place. For example, it may be possible to arrange for protection in place, or for scheduled visitations, or community-sanctioned movement of such sacred items.</u></p>
Intangible cultural heritage	Commenters suggested to be more specific about intangible cultural heritage , in particular with regard to methodologies to identify cultural heritage.	The paragraph on identifying cultural heritage was expanded to include specific methodologies to identify intangible cultural heritage: <p>GN10.1. <u>Methods for documenting and protecting cultural heritage typically include field surveys to identify cultural heritage likely to be impacted by the project. Manual survey techniques over small areas may be appropriate, while for larger areas, various survey techniques and technologies for carrying out cultural heritage surveys (for example photogrammetry, remote sensing for cross-referencing and comparing survey data) may be more appropriate. For intangible cultural heritage, identification typically involves consultations with tradition bearers and practitioners of certain cultural practices. Intangible cultural heritage may be documented by recording the intangible forms and collecting documents that relate to it. The application of such methods is proportionate to the risks and impacts of the project on cultural heritage.</u></p>
Natural Features with Cultural Significance	Suggestions were made to include guidance on Natural Features with Cultural Significance .	Three paragraphs were added to provide guidance to the relevant provisions of ESS8: <p>GN24.1. <u>This category of cultural heritage, closely linked with intangible spiritual significance, also includes cultural landscapes. Cultural landscapes are combined natural effects and man-made works. They illustrate the evolution of human society,</u></p>

ESS8: Cultural Heritage		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<p><u>local culture, and settlement over time, under the influence of the physical constraints and/or opportunities presented by the natural environment and of successive external and internal social, economic, and cultural forces. A cultural landscape may also include historic monuments and archaeological sites. Cultural landscapes can contribute to modern techniques of sustainable land use or enhance natural values in the landscape, thus supporting biological diversity.</u></p> <p><u>GN25.1. Research and consultation with project-affected parties can help to determine the cultural significance of natural features early in project preparation and to identify the optimal solutions for managing or mitigating the impacts on such heritage. Such solutions could result in project alterations such as realignment of roads, irrigation channels, rail tracks, or redesign of buildings. All solutions and processes should be thoroughly documented and copies of the agreed solution distributed among all parties. Where the agreed solution requires the completion of relevant ceremonies and rituals carried out as part of mitigation measures, the relevant traditional bodies will confirm that all the agreed-upon mitigation measures have been carried out.</u></p> <p><u>GN26.1. It is important to safeguard the sacred character of cultural sites with spiritual significance. To this end, Borrower’s representatives and contractors should be aware of any spiritually significant sites in the project-affected area and respectfully plan project-related activities that could likely impact the sanctity and serenity of such natural features with cultural significance.</u></p>
Experts	Some commenters suggested clear requirements for the qualification of experts and their involvement at all stages of the process.	Requirements for qualification of cultural heritage experts have not been added, as they will differ in different project contexts and as local expertise should always be considered, regardless of the formality of training in disciplines related to cultural heritage.
Experts	Some commenters sought clarity regarding the role of third-party experts .	<p>The relevant paragraph was amended to clarify in what situation such an expert may be helpful.</p> <p><u>GN14.2. In case of disagreement between project-affected parties and other interested parties—for example, national cultural heritage agencies or heritage</u></p>

ESS8: Cultural Heritage		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i><u>experts</u>—about the significance of the cultural heritage affected by the project or the approach to its management, #the Borrower may be helpful<u>decide</u> to engage third-party experts- <u>to advise on its significance.</u></i>
Chance finds procedures	It was suggested to include training for workers as a recommended component of chance find procedures.	The relevant paragraph GN11.3. was amended to include “ <u>training of contracted workers.</u> ”

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS9: Financial Intermediaries		
ISSUE	KEY FEEDBACK	BANK RESPONSES
Definitions, clarifications, examples	Various commenters suggest adding more definitions and clarifications, in particular of significant environmental and social risk, environmental and social policies/ procedures of FIs, and environmental and social risk classification .	<p>New paragraphs were added to define and/or clarify these key terms:</p> <p><u>GN11.4. Significant environmental and social risk means (a) any significant social, labor, health and safety, security, or environmental incident, accident, or circumstance relating to the subproject, including, without limitations, explosions, spills, any workplace accidents that result in death, serious or multiple injury, material pollution, or any violent labor unrest or dispute between the FI, the FI subproject or security forces (assigned to protect the subproject), and local communities; or (b) any other event or circumstance having, or which could reasonably be expected to have, a material adverse effect on the implementation or operation of the subproject in accordance with the ESSs and the Environmental Health and Safety Guidelines.</u></p> <p><u>GN14.2. An environmental and social policy is an overarching declaration of the objectives and principles that guide the FI to achieve sound environmental and social performance. An effective policy is one that is actively supported by senior management and communicated to all employees. The policy should set out the intentions of the FI with regard to the management of environmental and social risk, and include specific objectives that the FI has set with regard to its environmental and social performance. FI subprojects are prepared and implemented taking into account Good International Industry Practice (GIIP), in the first instance the Environmental, Health, and Safety Guidelines.</u></p> <p><u>GN17.1. An environmental and social risk categorization system enables the FI to monitor and evaluate its exposure to environmental and social risk aggregated at the relevant portfolio level. In consultation with the World Bank, the FI can set internal threshold levels for its overall portfolio exposure as a function of environmental and social risk category or by exposure to industry sector or transaction type as a function of environmental and social risk category. This allows the FI to better manage and track changes in the risk profile of its portfolio and the associated environmental and social impacts of its subprojects. This information can also be used by the FI to report</u></p>

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ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i>internally to senior management, externally to stakeholders, and to the World Bank on overall environmental and social risk.</i>
Environmental and Social Management Systems (ESMSs)	While ESS9 and the GN note the requirements of FIs with respect to development, implementation, and revision of ESMSs , some comments advocate for increased Bank oversight of FI’s ESMSs, including direct Bank involvement in developing FI ESMSs. Other commenters, by contrast, note the primacy of national law in terms of coverage of FI ESMSs rather than increased involvement by the World Bank in ESMS implementation and monitoring.	The text of ESS9 is clear about roles and responsibilities of Bank, Borrower, and FI. Any expansion of the responsibility of the Bank or the Borrower with regard to the FI would be inconsistent with the text of ESS9.
Human Rights	Commenters pointed to the need for FIs to identify and mitigate risks to human rights defenders, to adopt human rights policies including UN Guiding Principles on Business and Human Rights, and to adopt measures to prevent or mitigate risks to human rights advocates and/or individuals opposed to particular sub-projects.	A human-rights based approach goes beyond the scope of the ESF.
Reporting / Information	Commenters seek strengthening of information and disclosure policies, and reporting requirements relating to	Guidance on information disclosure was expanded and the need for “reporting” was referenced in the relevant paragraphs.

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ISSUE	KEY FEEDBACK	BANK RESPONSES
disclosure/communications	subprojects (e.g., requiring each subproject to post information relating to the World Bank's Grievance Redress Service and Inspection Panel.) Comments also promote requirements for subproject reporting be carried out by independent third-party auditors.	<p><u>GN20.1. Information should be transmitted in a timely manner and conveyed through the appropriate form. FIs should keep a record of past communications and periodically update the information transmitted to FI personnel.</u></p> <p>A reference to ESS10 was added in relation to external communications of FI:</p> <p><u>GN25.1. The Responsible FI ensures that external communications mechanisms are known and accessible to stakeholders. (...)</u></p> <p>Guidance on stakeholder engagement was expanded:</p> <p><u>GN27.1. As part of the stakeholder engagement process, the Responsible FI, through the sub-borrower, provides stakeholders with access to the following project information:</u></p> <ul style="list-style-type: none"> • <u>the purpose, nature, and scale of the project;</u> • <u>the duration of the proposed project activities;</u> • <u>potential risks and impacts of the project on local communities, and proposals for mitigating these, highlighting potential risks and impacts that might disproportionately affect vulnerable and disadvantaged groups and describing the differentiated measures taken to avoid and minimize these;</u> • <u>environmental and social monitoring reports;</u> • <u>the proposed stakeholder engagement process highlighting the ways in which stakeholders can participate;</u> • <u>the time and venue of any proposed public consultation meetings, and the process by which meetings will be notified, summarized, and reported;</u> • <u>the process and means by which grievances can be raised and will be addressed.</u>

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ISSUE	KEY FEEDBACK	BANK RESPONSES
		<u>GN27.2. The information will be disclosed in the relevant local languages and in a manner that is accessible and culturally appropriate, and prior to approval of the FI subproject.</u>
Application of all ESS on FI subprojects	Commenters point out that FIs need to comply with all ESSs (particularly ESS10 and disclosure requirements), rather than simply ESS9, and seek references throughout the Guidance Note to other ESSs.	Paragraph GN7.3. was revised to clarify that the FI’s ESMS will include processes for environmental and social risk management <u>“in line with this ESS and other ESSs and applicable national and/or international law, whichever is more stringent.”</u>
Application of ESS2 to FIs	Various commenters sought information on application of ESS2 to FIs.	The relevant guidance was expanded to provide greater clarity: <u>GN13.1. This requirement applies to the Responsible FI. ESS2 addresses labor and working conditions. Relevant ESS2 requirements should be applied to project workers, as defined in ESS2, of the FIs commensurate with the level of risk and should be consistent with requirements under national law.</u> <u>GN13.2. Reflecting ESS2 requirements, the FI should put in place measures:</u> <ul style="list-style-type: none"> <u>a. adopting and implementing human resources policies and procedures;</u> <u>b. documenting and communicating to all employees their rights under national labor and employment laws, any applicable collective agreements, working conditions and terms and conditions of employment, and notifying them when any material changes occur;</u> <u>c. promoting fair treatment, nondiscrimination, and equal opportunity of all employees;</u> <u>d. establishing and managing a grievance process to learn about employees’ concerns and suggestions; and</u> <u>e. providing a safe working environment through appropriate occupational health and safety programs and measures.</u>

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ISSUE	KEY FEEDBACK	BANK RESPONSES
		<p><u>GN13.3. The human resources policies and procedures of the FI should be appropriate to the size of the FI operations and workforce and should be kept up to date. These policies and procedures should state the approach for managing employees and be consistent with the requirements of ESS2 and national law. The policies and procedures should be clearly communicated to all employees.</u></p> <p><u>GN13.4. As defined in ESS2, working conditions refer to conditions in the workplace, organization of work and work activities, and health and safety and treatment of employees. Conditions in the workplace include the physical environment, health and safety precautions, and access to sanitary facilities.</u></p> <p><u>GN13.5. The Borrower should ensure that the FI establishes grievance mechanisms, which are important tools for employees to promptly raise issues with employers, and for employers to understand employees’ needs and to solve concerns. These concerns may relate to how employees have been treated or to actions that an employer is contemplating taking. Additional information on grievance mechanisms is provided in ESS2 and ESS10.</u></p> <p><u>GN13.6. Occupational Health and Safety (OHS). OHS is concerned with protecting the health and safety of employees, and refers to the policies and systems in place to manage these issues in the workplace, such as risk assessments, training, provision of appropriate protection equipment, safe workplace practices, documentation, and emergency prevention and response procedures. Details on OHS are provided in ESS2 and the ESS2 Guidance Note, ESS4 and the ESS4 Guidance Note, and in the Environmental, Health, and Safety Guidelines referenced in the Bibliography.</u></p>
General purpose / equity financing versus specific purpose financing (GN 5.1)	Various commenters seek clarification on general purpose financing for financial intermediaries versus specific purpose financing for financial intermediaries.	<p>A new paragraph was added:</p> <p><u>GN5.1. The scope and application of ESS9 is determined by the way in which the FI or FIs use the support provided by the World Bank. As indicated in paragraph 5, the World Bank support can be divided into two categories: (a) support that is identified for clearly defined subprojects, and (b) support that is for a general purpose:</u></p> <p><u>a. Support targeted to a specific end use of proceeds or clearly defined FI subprojects. Where support provided by the World Bank is targeted to a</u></p>

ESS9: Financial Intermediaries		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<p><u>specific, identifiable end use (for example, a credit line for specific business activities in a sector or funding for specific subprojects), the requirements of ESS9 apply:</u></p> <ul style="list-style-type: none"> <u>i. to the specific part of the FI operations that generate and manage the specific end use or known subprojects. ESS9 does not apply to the other operations of the FI. The FI would be required to develop and implement an ESMS only for this part of its portfolio; and</u> <u>ii. to FI subprojects financed or guaranteed directly by World Bank’s support. ESS9 does not apply retroactively to existing FI subprojects, but would apply to any refinancing of subprojects supported by the World Bank.</u> <p><u>b. General purpose financial support with no specified end use. Where the World Bank support is not for a specific end use (for example, for general financial intermediation, recapitalization, or equity) the requirements of ESS9 apply:</u></p> <ul style="list-style-type: none"> <u>i. across the entire FI. This means that the FI would be required to develop and implement an ESMS that applies to all operations of the FI from the date of effectiveness of the legal agreement through which the World Bank financing is provided; and</u> <u>ii. to the entire portfolio that the FI originates from the date when the corresponding legal agreement between the World Bank and the Borrower becomes effective. ESS9 does not apply retroactively to existing portfolio subprojects, but would apply to any refinancing supported by the World Bank.</u>
Scope of application	Commenters suggests addition information as to the application of ESS9 on FI subprojects.	The relevant paragraph was revised to clarify the scope of ESS9: GN6.1. <i>The way in which each FI will apply the requirements of ESS9 will depend on the FI’s relationship to the FI subprojects. As noted in GN7.1, the ESMS will be established and maintained by the Responsible FI. FIs should apply the requirements</i>

ESS9: Financial Intermediaries		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i>of ESS9 consistently across the subprojects to which ESS9 applies. Where funding is provided through a number of FIs, the requirements relating to ESS9 are incorporated into each of the contractual agreements between an FI and the subsequent FIs, to which loans, equity, financing, or guarantees are provided.</i>
Coverage of environmental and social risks	Some comments suggest adding information with respect to the coverage of environmental and social risks across FI subprojects.	<p>A new paragraph was added and another expanded to provide a more substantive discussion of environmental and social risk management across FI portfolios:</p> <p>GN7.1. <i>Although FIs have their own direct environmental and social impacts, for example, energy use, their principal exposure to environmental and social risk arises indirectly through lending or investing—from their portfolio and end user’s activities. The different types of environmental and social risks are set out in ESS1, and include impacts on the natural environment (for example, air, water, soil, biodiversity) or on people (for example, employees, end user, communities). The environmental and social risks associated with an FI’s financial activities depend on factors such as the specific environmental and social circumstances associated with an FI end user’s operations, the sector, and the geographic context. Failure to effectively manage environmental and social issues can lead to a range of financial, legal, and reputational consequences. For example, an end user may be unable to repay a loan due to environmental and social costs and liabilities, or the FI may face reputational damage through association with a client’s environmental and social impacts.</i></p> <p>GN7.2. <i>The FI that is required to develop and maintain the ESMS is the FI that has direct responsibility for selecting and funding the FI subprojects (the Responsible FI). The Responsible FI develops and maintains the ESMS, so that the environmental and social risks and impacts of the FI subprojects financed or guaranteed by the Responsible FI can be identified, assessed, managed and monitored appropriately, monitored, and reported on appropriately. The environmental and social assessment process should support (a) making an informed decision on whether the risk associated with a portfolio and with financing or providing a guarantee to a project is acceptable to the FI; (b) minimizing environmental and social risks associated with</i></p>

ESS9: Financial Intermediaries		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i>a portfolio and the impacts of subprojects; and (c) realizing any potential environmental and social benefits associated with subprojects.</i>
ESMS	Commenters asked for more detail with regard to the ESMS of the FI and what it is supposed to cover.	A new paragraph was added: <i>GN8.1. An ESMS should be commensurate with the environmental and social risk in the relevant FI portfolio and prospective business activities, be driven by an overall strategy and policy commitment, and have a clear governance framework. Further guidance on Environmental and Social Management Systems is provided in paragraphs 14 to 25 below.</i>
Screening of subproject risks	Various commenters sought more information on when environmental and social procedures may need to be revised , and clarification as to who takes responsibility for modifying said procedures .	The relevant paragraph was expanded: <i>GN16.1. The FI will screen all subprojects against any exclusions in the legal agreement and screen, review, and categorize the subprojects according to their potential environmental and social risks and impacts. If the risk profile of an FI subproject increases—significantly, and, for example, because unanticipated resettlement is identified or an emergency incident takes place, the increased risk should be promptly assessed and addressed in accordance with relevant aspects of the ESSs. If the FI’s existing environmental and social procedures are not adequate to address this increased risk, the Borrower should ensure that the FI modifies such the procedures as necessary.</i>
Organizational capacity and competency	Various commenters asked for more guidance with respect to organizational capacity within FIs as well as senior management oversight within FIs of environmental and social risk management the ESMS.	Organizational capacity and competency is explained in two new paragraphs: <i>GN19.1. Organizational capacity and competency is key to implementing an effective risk management system. These will vary depending on the environmental and social risk profile of the FI subprojects and the relevant portfolio. The FI may use in-house staff with the appropriate qualifications or retain the services of external experts to establish the FI ESMS and to conduct the assessment of subprojects.</i> <i>GN19.2. A representative of the FI senior management will have overall responsibility for environmental, health safety, and social risk management, including the implementation of the ESMS. The representative of the FI senior management should</i>

ESS9: Financial Intermediaries		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<u>(a) designate a qualified member of staff to be responsible for day-to-day implementation of the ESMS and provide implementation support; (b) identify environmental and social training needs; (c) ensure that sufficient resources and capacity to implement the ESMS are available; and (d) ensure that adequate technical expertise, either in-house or external, is available to carry out assessments, manage, and monitor the FIs and subprojects with potentially significant adverse environmental or social impacts and issues.</u>
Notification	Commenters suggest prompt, mandator notification of accidents or incidents , particularly in cases of irremediable harm, together with agreement with the Bank on remedial measures to be taken.	<p>Guidance regarding notification of accidents or incidents was expanded:</p> <p>GN22.1. <u>The <i>prompt</i> notification of any significant accidents or incidents to the World Bank <i>is required of all FIs. Such notification</i> may be provided directly by the Responsible FI to the World Bank or through the Borrower. <i>In particular, the FI should notify the Bank if adverse impacts could result in irremediable harm, such as exposure to hazardous chemicals or pollutants that could result in irreversible health conditions and/or significant environmental damage.</i></u></p> <p>GN22.2. <u>When changes occur, which would cause the FI to reclassify the subproject to a higher risk and/or impact level, the Bank is promptly notified. The World Bank and the Responsible FI will agree which remedial measures should be implemented by the subproject.</u></p>

Summary of and responses to comments received on the draft ESF Guidance Note (GN) for Borrowers on

ESS10: Stakeholder Engagement and Information Disclosure		
ISSUE	KEY FEEDBACK	BANK RESPONSES
Definitions, examples, and descriptions	Some commenters asked for more definitions, examples, and descriptions , for greater detail on the “how to,” and to provide more concrete and precise steps of what should be done. Other comments noted that some of the descriptions and examples in the draft were not feasible.	The use of examples throughout the GN was reviewed. Some examples were added to provide more practical guidance on how to implement stakeholder engagement. Among others, examples for stakeholder engagement before and after Board approval of a Bank-financed project were added to illustrate that stakeholder engagement is a continuous process throughout the project lifecycle.
Proportionality	Some commenters questioned the use of phrases such as “ as appropriate ” or “ determined by the level and risk of impacts ” etc. and suggest explicit guidance for various situations (e.g., high risk/ low risk projects).	Proportionality is a key principle of the ESF and allows the Borrower to implement the requirements of the ESSs in a manner that is appropriate for the risks and circumstances of the project. Phrases such as those listed here are necessary where guidance cannot be equally applicable across all project types and countries.
References	Several suggestions were made to reference guidance materials with detailed discussions of stakeholder engagement issues and relevant international treaties.	A bibliography was added, including, among other references: <ul style="list-style-type: none"> • Marrakesh Treaty to Improve Access to Published Works for Persons who are Blind, Visually Impaired, or otherwise • Inter-American Development Bank. 2017. “Meaningful Stakeholder Consultation.” Inter-American Development Bank, Washington, DC. • International Finance Corporation. 2007. Stakeholder Engagement: A Good Practice Handbook for Companies doing Business in Emerging Markets. • World Bank. 1999. Public Consultation in the EA Process: A Strategic Approach. Environmental Assessment Sourcebook Update.

ESS10: Stakeholder Engagement and Information Disclosure		
ISSUE	KEY FEEDBACK	BANK RESPONSES
Disadvantaged and vulnerable groups	While ESS10 and the GN specifically mention that disadvantaged and vulnerable groups need access to stakeholder engagement processes, commenters suggest emphasizing this issue through small text changes that remind of the need to include those groups.	<p>This has been implemented through a number of text additions throughout the GN. For example, the possible need for separate engagement approaches for specific groups was acknowledged in this new paragraph:</p> <p><u><i>GN10.2. Depending on the societal context, women, children, youth, and the elderly or other groups may need to be considered as stakeholder groups of their own, and separate consultation formats may be needed to capture suggestions and concerns.</i></u></p> <p>Another example:</p> <p><i>GN13.1. The process of preparing the SEP is inclusive, and the draft SEP is designed to accommodate the needs and circumstances of different <u>stakeholders, paying special attention to identified disadvantaged or vulnerable individuals or groups.</u> It identifies the information and types of interaction to be conducted in each phase of the project, <u>considers and addresses stakeholders’ communication and physical accessibility challenges,</u> and includes any other stakeholder engagement required by the other ESSs.</i></p>
Gender	Commenters ask for detailed guidance on gender -relevant stakeholder engagement issues.	References to gender issues/ women have been added throughout the GN. References to guidance materials that address gender issues were included.
Benefits from stakeholder engagement	A number of comments suggested to be more explicit about the benefits that stakeholder engagement can provide to Borrowers.	<p>The relevant paragraph was expanded using some the language suggested in comments:</p> <p><i>GN4.2. Meaningful stakeholder engagement throughout the project cycle is an essential aspect of good project management- <u>and provides opportunities for Borrowers to learn from the experience, knowledge, and concerns of the affected and interested stakeholders, and to manage their expectations by clarifying the extent of the Borrower’s responsibilities and resources.</u> Stakeholder consultations provide input for the, <u>as appropriate,</u> environmental and social assessment of the, project, <u>design, mitigation plans, monitoring reports, and further evaluation of the project, including the Environmental and Social Commitment Plan (ESCP), summaries of the assessment of all or part of Borrowers’ environmental and social frameworks, and any other</u></i></p>

ESS10: Stakeholder Engagement and Information Disclosure		
ISSUE	KEY FEEDBACK	BANK RESPONSES
		<i>project plans that may be prepared. The level and frequency of stakeholder engagement conducted is proportionate to the risks and impacts of the project.</i>
Engagement methodology	Many comments suggest including considerably more detail on consultation and engagement methodologies , including guidance on timing of engagement and disclosure as well as the frequency and intensity of engagement.	Detailed descriptions of methodologies are outside the scope of this GN. Instead, a bibliography was added with materials that describe engagement methodologies in much greater detail.
Stakeholder identification	A number of comments regard the definition of stakeholders and the process of identifying them .	Detailed descriptions of stakeholders and stakeholder identification processes are outside the scope of this GN. Instead, a bibliography was added with materials that provide greater detail.
Timing and frequency of disclosure and stakeholder engagement	Some commenters recommended more detail regarding timing and frequency of disclosure and stakeholder engagement , including a recommendation to suggest establishing a detailed action plan for Borrowers to follow from project inception. On the other hand, some commenters saw the guidance provided in the draft as unfeasible and unnecessarily limiting Borrower's ability to determine appropriate forms of stakeholder engagement.	Some paragraphs were added to provide more detail on timing and frequency of stakeholder engagement before and after Board approval of a Bank-financed project. However, no changes were made that would increase the prescriptiveness of the provisions of ESS10 (such as establishing a detailed action plan for Borrowers to implement). Greater prescriptiveness would contradict the ESF principle of proportionality. <u>GN6.1. The project life cycle starts with the identification of a proposed project, proceeds through the development of the project, the economic, financial, and environmental, and social assessment, negotiations between Borrowers and the Bank, and project implementation, and ends with the closure and decommissioning of the project. Project-related stakeholder engagement starts at project identification and continues until closure of the project. The extent of the engagement is determined by the significance of the environmental and social risks and impacts of the project and the level of concern expressed by stakeholders. Given that stakeholder engagement improves the quality of project implementation and builds trust with affected communities and other stakeholders, projects with high and substantial environmental</u>

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		<p><u>and social risk should include several formal points of engagement as well as ongoing information dissemination throughout the project cycle. Projects with moderate and low risk should include several points of engagement before the project is approved by the Bank and ideally more than one point of engagement during project implementation. The mandatory disclosure of relevant project documentation is addressed in paragraph 19 of ESS10 and associated guidance.</u></p> <p><u>GN6.2. In cases where the Bank’s involvement starts after the Borrower has already initiated a project, the Bank will work with the Borrower to review the stakeholder engagement provisions in place and, if necessary, to develop and implement a supplemental Stakeholder Engagement Plan (SEP) to ensure adequate stakeholder engagement going forward.</u></p> <p><u>GN6.3. Engagement before the Bank approves a project should include the following:</u></p> <ul style="list-style-type: none"> <u>a. Stakeholder consultation to inform stakeholder analysis;</u> <u>b. Dissemination of relevant project material, including explanations of intended project benefits and, where appropriate, the setup of a project website;</u> <u>c. Stakeholder consultations on proposed project design, environmental and social risks and impacts, mitigation measures, the proposed SEP, and draft environmental and social risk management instruments.</u> <p><u>GN6.4. Engagement after the Bank approves a project should include the following:</u></p> <ul style="list-style-type: none"> <u>a. Disclosure of information on how stakeholder feedback was incorporated into project design and environmental and social risk management instruments;</u> <u>b. Stakeholder consultations on implementation and supervision issues, consultations on any new project characteristics or environmental and social risks, and consultations on progress of environmental and social risk mitigation measures;</u> <u>c. Regular efforts to keep stakeholders informed on project implementation;</u>

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		<u>a-d. Review of the adequacy of stakeholder identification in light of project implementation and related revisions to the SEP.</u>
Reprisal, coercion, and influencing	Some commenters suggested a more detailed discussion of how to avoid reprisal, coercion, and influencing of engagement processes. A group of commenters focused specifically on the need to protect human rights defenders from reprisals.	Language regarding external manipulation, interference, coercion, discrimination, and intimidation is already included in ESS10 (with regard to consultations), and was also included in the draft GN (with regard to grievance mechanisms). A new paragraph was added to the GN in relation to consultations: <u>GN11.2. It is important to put in place measures for ensuring that stakeholders, and especially vulnerable and disadvantaged groups, are able to safely participate in consultations and that consultations are free of coercion and duress.</u> This language includes any stakeholders engaged on a project.
Information Disclosure	Some commenters suggested describing an extensive set of clearly identified documents that would be required to be disclosed to inform stakeholder engagement.	While the Bank agrees that meaningful stakeholder engagement is based on appropriate information, the scope of ESS10 does not foresee a pre-defined extensive set of documents to be disclosed. The specific types of documents to be disclosed is dependent on the project context.
Information Disclosure	Commenters suggested the inclusion of various aspects of information disclosure , e.g., the need to disclose information in a timely manner online as well as at appropriate local sites, special considerations for illiterate persons, special considerations for persons with sensory disabilities.	Relevant text was expanded in a number of places, e.g.: <u>GN9.1. Documentation of stakeholder engagement should be published in a timely fashion in relevant local languages through channels that are accessible to stakeholders.</u> <u>GN19.1. Meaningful stakeholder engagement depends on timely, accurate, <u>accessible</u>, and comprehensible information. Making available project-related information as early as possible in the project cycle and in a manner, <u>format</u>, and language appropriate for each stakeholder group is important. It is good practice <u>Formats to make special efforts to inform disadvantaged provide information may include presentation printouts, nontechnical summaries, project leaflets, and vulnerable groups about the impacts pamphlets. Ideally, maps of the project on them, the means of obtaining access to compensation area and benefits nontechnical drawings should be</u></u>

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		<p><i>included in the materials. Documents used in stakeholder consultation should be made available to stakeholders, for example on community public notice boards, and how and when to raise grievances, where possible, on the Borrower’s website.</i></p> <p><i>GN19.2. Documentation should also be accessible for stakeholders with sensory disabilities, for instance, through providing documents in Braille or engaging a sign language interpreter at a consultation meeting, as appropriate.</i></p> <p><i>GN19.3. In cases where literacy levels are low, additional formats like location sketches, physical models, and film presentations may be useful to communicate relevant information. The Borrower should help the public to understand technical documents, for instance, through the publication of simplified summaries, nontechnical background explanations, or access to local experts.</i></p> <p><i>GN19.4. The Borrower should make special efforts to inform, engage with, and understand disadvantaged or vulnerable groups with regard to the impacts of the project on them, the means of obtaining access to compensation and benefits where appropriate, and how and when to raise grievances.</i></p>
Barriers to stakeholder engagement	A number of comments suggested to more explicitly recognize and address barriers to participation and the need to provide avenues to participate for those that may be excluded.	<p>Included two new paragraphs:</p> <p><i>GN11.1. Various types of barriers may influence the capacity of disadvantaged or vulnerable groups to articulate their concerns and priorities about project impacts. These barriers can be linked to sociopolitical, societal conflict, educational, or practical factors. For example, barriers can exist for ethnic, linguistic, and religious minorities; low-income households; women; youth; persons with limited mobility; or persons with disabilities. An array of strategies can be deployed to mitigate these obstacles by focusing on issues of accessibility, communication, empowerment, and/or confidentiality.</i></p> <p><i>GN11.2. It is important to put in place measures for ensuring that stakeholders, and especially vulnerable and disadvantaged groups, are able to safely participate in consultations and that consultations are free of coercion and duress.</i></p>

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Stakeholder Engagement Plan	Some commenters suggested including specific information in the Stakeholder Engagement Plan (SEP) , e.g., arrangements for third party monitoring and capacity building for stakeholders.	Arrangements for third party monitoring would be included in the Environmental and Social Commitment Plan (ESCP). Any capacity building efforts the Borrower wishes to undertake with regard to stakeholders would also be agreed in the ESCP.
Grievance Mechanisms	With regard to grievance mechanisms , commenters suggested to emphasize that they should be inclusive, established early in the project, supported by appropriate funding, and be responsive to grievances in a timely manner.	<p>Relevant paragraphs were revised to emphasize these aspects clearly:</p> <p>GN26.1. A grievance mechanism is a<u>an accessible and inclusive</u> system, process, or procedure that receives and acts upon complaints and suggestions for improvement <u>in a timely fashion</u>, and facilitates resolution of concerns and grievances arising in connection with a project. An effective grievance mechanism provides project-affected parties redress, and helps address issues at an early stage.</p> <p>GN27.2. An effective grievance<u>A grievance mechanism is established as early as possible in project development and supported by appropriate human and financial resources. The mechanism provides specific places and ways whereby grievances would be received and means by which they can be submitted (for example, mail, <u>text message</u>, e-mail, website, telephone, suggestion/complaint boxes, <u>grievance form</u>); a person, an office, or an institution responsible for processing grievances; and establishes timelines for processing a complaint</u> and a process for registering and monitoring grievances. Grievance mechanisms for larger or more complex projects may have multiple locations, means, and methods to receive, process, and monitor grievances, an adequately staffed team, and an appeals process.</p> <p>GN27.3. To make grievance mechanisms accessible to all stakeholders, it is helpful to: make the procedures to submit grievances simple and easy to understand; advertise them publicly <u>and broadly via newspapers, radio broadcasts, or other accessible and appropriate channels</u>; and indicate the expected length of timelines for acknowledgement<u>acknowledgment</u>, response, and resolution. The grievance mechanism is free of charge to stakeholders. Accessibility for disadvantaged and/or</p>

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		<p>vulnerable individuals or groups is important, <u>as is documenting grievances received and responses provided.</u></p> <p>GN27.4. An effective grievance mechanism is responsive, and the action <u>Actions</u> taken on the grievance or suggestion <u>issuggestions should be</u> informed and balanced. The timeframe <u>time frame</u> for grievance resolution depends on factors such as the urgency of the complaint; need for research, investigation, consultation, and funding; and capacity. The grievance mechanism sets out indicative timeframe <u>time frames</u> for acknowledgement <u>acknowledgment</u>, interim responses, and, where possible, final resolution of grievances. Some grievances may require coordination between <u>among</u> multiple departments/agencies, often outside the control of the project, or require detailed investigations <u>investigation</u>. Such grievances may take longer to address, and this should be communicated to the parties concerned when acknowledging receipt of the grievances. Supporting documents needed to achieve resolution form part of the files related to the grievance/feedback.</p> <p>GN27.5. A good grievance mechanism requires <u>Grievance mechanisms should require</u> all grievances to be treated confidentially, impartially, and <u>and</u> objectively, <u>and in a timely manner</u>. In countries where the submission of anonymous grievances is not permitted, it is important to ensure confidentiality; in those cases, the Borrower may consider engaging third-party entities to facilitate submission of grievances. Users of a grievance mechanism may not be subject to retaliation, abuse, or any kind of discrimination. <u>The Borrower is expected to address</u> allegations of retaliation, abuse, or discrimination are expected to be addressed and corrected promptly by the Borrower. take appropriate remedial measures.</p>
Inspection Panel	It was suggested to include a reference to the Inspection Panel and assurance that GRM does not replace Inspection Panel as avenue for raising grievances.	The text of the ESF refers to the Inspection Panel in the overview of the ESF (not binding) and in the policy (binding on Bank staff, but not on the Borrower). As the Inspection Panel is not referenced in ESS10 (or any other ESSs), this reference was also not added to the GN.