

Edith Jibunoh

Good morning, everyone. We're going to get started. I'm sorry for the delay. My first really important announcement is that I don't plan on doing any kind of skits in this little area. It kind of worked out this way, but it was not our intention. We did want to create a more informal style of discussion, especially since this particular session is an update, we really wanted to have a conversation. We've got some of our Senior Management in the room, who were really keen to be here and engage with you. So, really glad that we have a full room and I'm looking forward to an engaging discussion with you today.

Now, the weather is beautiful outside and we know that some of our friends have plans for this morning, so I just wanted to acknowledge that we welcome our civil society friends, you know, doing these sorts of things, but please we do ask that you do so and leave at a time that's respectful to others. A lot of people here do want to have a conversation with our Senior Management and want to contribute to the ongoing discussions that will help us come up with the most robust framework possible. So we do ask that you, you know, organize yourselves in a way that's respectful to the others who want to stay in the room and continue the conversation. Well, we welcome it and we hope the weather retains itself for you so that you have a good morning.

I want to acknowledge the panelists in the room who are going to be presenting today very short, brief presentations because we do want this to be a shared and informal conversation-style event. And I will introduce Stefan Koeberle, who's here. He's, I think most of you do know, Stefan is one of our colleagues who needs no introduction.

Somebody's pointing, sorry? Oh, okay, oh yeah, please, there are free spaces and I think there's still chairs around here, so please come in. If you want a seat, there's one here. Okay.

And Mark King is also here with the World Bank staff. He's going to be doing the overall presentation to provide you with an update on where things stand. And then we also have our panelists here who are going to provide, from civil society, who are going to provide us with some reflections, updating all about what they heard and what they learned from their participation in the consultation process that just concluded, including Peter Bakvis from the ITUC; David McCauley who is with the World Wildlife Fund; Mohammed Loutfey from the Lebanese Physical Handicapped Union; and we're hoping that Vicky Tauli-Corpuz will be able to join us shortly. We're still trying to track her down, but she is supposed to be here.

So, with that I just want to underscore what we're here to do. The consultation part concluded, so this is an update session. We recognize how important it is to use the opportunity of our colleagues from civil society being around for the Spring Meetings, so our staff has prepared a presentation to provide you with an overview of everything we heard, a consolidated, but very brief presentation that consolidates everything we've heard, and we really want to hear from civil society today their reflections on some of the topical things that came up throughout the consultation. So, with that, I will hand over to Stefan so that he can make a few opening remarks. Thanks, Stefan. Could we have a mic for Stefan, please.

Stefan Koeberle:

That's okay, I'll get one here. Let's see if that works. I hope you can see me. Great that so many of you can make it this morning. Thanks a lot, and I'm glad that despite the fact that this has been going on for quite a long time, you're still not exhausted, unlike us, and you still have the energy to listen to us. So I'm very much looking forward to today's session.

I know that many of you have been engaged in this very passionately and you've also engaged in the consultation that we just concluded and, of course, it's very nice to see many familiar faces in this discussion who've accompanied us over the last two years on this one.

You also probably know, those of you who've been around for a while, that in a way the Safeguards Review precedes the whole Bank restructuring and in a way has been also shaped and wrapped up in the whole construction site that the Bank has undergone over the last few years and in a way I think has also complicated the messaging overall.

And I think it's interesting to know that the reform process obviously will influence the Safeguards Review as we try to improve and streamline our work. The idea, however, is still exactly the same as when we started, which is when we started we set out to create a very strong Environmental and Social Framework that would help the Bank achieve its goal of reducing poverty and building shared prosperity, and that remains the ultimate goal of what we're trying to do here.

When we're done with this process and when it's approved, we hope that we will come up with the Environmental Social Framework that all of you, hopefully, will accept will be a leading-edge Environmental Social Standard that's clear, that's stronger and improves on the current Safeguards, but keeps the core and the substance without any change in the core of the values of the Safeguards and, in the end, is very effective in supporting our goals of ending poverty and promoting shared prosperity. So that's really what this is all about.

The idea of what we're trying to achieve here, and Mark will talk about this in more detail, of course, is a series of objectives that I think everybody can subscribe to, irrespective of how you think they can be achieved.

The first one, of course, is broader and enhanced protection for the livelihoods and the environment. Second one is better development results for the borrowers or our clients by focusing on an outcomes-based approach and improved design and improved focus on implementation. That's a very important point I think that we'll be coming back to again and again.

We also emphasize that it's not just about the policies, also much stronger emphasis on accountability within the World Bank and accountability of the World Bank towards its clients and communities, and making sure that when we add new social environmental protection in our rules, they will be stronger and more effective in protecting people affected by Bank-financed projects.

We also want to focus on strengthening partnerships with borrowers by building on strong existing frameworks and building capacity where it's needed in countries with low capacity, and basically recognizing the fact that we're dealing with a huge variety of different countries, all the way from South Sudan with very little capacity to Poland as new member-country. And our policies have to be flexible enough to recognize the different capacities there.

As Edith said and as all of you know, we just finished the second round of consultations which, we'd like to think, was an unprecedented scope of consultations. It was the most extensive consultation the Bank has had, as far as we know. We visited 65 countries, including 54 client-countries, 8 dedicated indigenous peoples consultations. We had a number of topical expert consultations on labor, biodiversity, nondiscrimination, LGBT-SOGI issues, cultural heritage and, of course, consultations and workshops with development partners, including specialized agencies such as the ILO, the Human Rights Commission, WHO and also, of course, the other multilateral development banks and including, and I think this is an interesting footnote, including the team that's working on the AIIB. So contrary to what you've often heard in the press, there isn't a race to the bottom, it's the exact opposite. AIIB is looking very carefully at what we're doing here and we'd like to think that when the policy is adopted, it will really set the standard that then other development banks, including AIIB, can then follow.

I think it goes without saying, we really want to thank you for your feedback in the consultations. It's been really excellent and very helpful

and particularly when it was very specific, it was really helpful, something for us to look at and we're, as you know, going through the process of digesting all the comments that have been made, and I can reassure you that we're looking at this very closely and we've been listening very closely to what you've said and what you've heard, what you've expressed, all your written and verbal submissions, and we're going through the process of sharing that with our shareholders in this stage then.

So it's clear that this stage is not very easy because we're trying to reconcile positions that are often very different, and it goes without saying that, particularly on the very emotive issues, people have strongly held views that are not easy to reconcile, but our job at the end is to produce a proposal to our Board that is acceptable in a multilateral institution. And I think that's needs stressing and is very important. Nothing can be done at the World Bank unless you get support from a broad group of shareholders at the Board.

So this has not been an easy process, but I'm very comforted that we're moving in the right direction and at the end we'll have Environmental Social Protections that will go from already high standards to stronger standards.

In terms of the consultations process, the second phase will now be followed by the deliberation phase that we're in. We'll then go to a subcommittee of the Board that's called the Committee on Development Effectiveness. Depending on what they say and whether they like it, we'll either go back to the drawing board or make revisions or, as we hope, we will then engage in a third phase of consultations that will be discussed with CODE and we can do so when we have permission from CODE to disclose the Framework for the consultations and, of course, the idea is that, although we know that many of the materials find their way to the audiences even before CODE meeting separately, the idea is then at CODE we will then get the permission to disclose all the materials that have been made available to CODE. That's how it works, I mean, that's how the process works.

We expect that the proposal put forward to CODE will contain significant changes compared to the first draft that was put out. We are, of course, still in the phase where we are looking at the material, we're working through that. Mark will give you some indications where we've heard strong feedback and areas where we've heard very divergent feedback, and it gives you an idea of the work that we have cut out for us to come up with a proposal. And he'll give you an indication of the direction we want to focus on.

So, I thought since many of you are familiar with the Framework, Mark will give sort of just a quick reminder of what the Framework was about, but will refocus on the sort of, that the current stage of where we are in terms of hearing the feedback. We're still getting written comments, including from our shareholders. We just got some from France. We got some from the US only a few weeks ago. So this is past the deadline of March 1st, but, of course, those are important inputs for us, and we disclose all of those on our website. If you want to see the totality of all the comments, please take a look at the website, but I think it'll be interesting for you to get a glimpse of what we've heard.

As Edith said, we also wanted to make sure that you have a chance to hear from people other than World Bank people who are working on this, so Edith has already introduced the panel and we're very much looking forward to hearing their views, because I think all of them have participated in one or more of the consultations. So I think without further ado, Edith, over to you.

Edith Jibunoh:

Thank you, Stefan. Stefan is our Director for Operations and Risk Management. In addition to Stefan, we have a couple of Senior Directors in the room that I would be remiss if I didn't introduce. Paula Caballero is our Senior Director for Environment, and Ede Ijjasz-Vasquez is our Senior Director for Social, Urban, Rural and Resilience and, well, there's a lot of Bank staff that you'll get to meet through the conversation. So before I start introducing too many people, I'll hand over to Mark King for his short presentation.

I apologize to the folks who are sitting here. You'll have to turn for a little bit to see the presentation, but it is short, so apologies for that. Thank you, Mark.

Mark King:

Thank you. Good morning, everyone. I will give a very short introduction and I'll wander around the room, mainly because I can't see the presentation from the podium. But the point of today is really to just give you an indication of what we heard and some of the changes that we are proposing.

Now, I'll have to give you a big caveat up front that, in terms of due process, staff and management make recommendations and the Board has the final decision. So, whatever I say has to be couched those terms. The other thing I need to say up front, and Stefan already hinted on this, the Bank is a community of 188 countries with vastly different geographies, socio-cultural values and so on. So as you would imagine, there's a huge diversity of opinions on various issues, and what we have to do is try and find a point that everyone can live with for each of these issues. And it's a diverse, vast range of issues.

Now in this engagement process which, as you know, has gone on for quite a while now, we've had a lot of written submissions recently. I think it's about 2,700 pages worth of written submissions plus, of course, the summaries of all the meetings we've had in various quarters. We've had a lot of bilateral meetings not only with governments, but also with agencies such as the ILO, WHO, Office of the High Commissioner for Human Rights, many, many CSOs, many governments, and so it's a hefty pile of information that we have to wade through.

Last night I was chatting with a few CSOs while I was still sober in the drink session, and somebody said, well, how are you getting through all this information because there's so much of it? Well, we've established working groups for each of the standards – one for the policy, one for the vision statement and one for the procedures that will eventually have to be drafted, and these working groups are populated by people not only from the OPCS Vice Presidency that leads on policy review but also the Global Practices that are engaged in the day-to-day project work, our legal colleagues in the Legal Vice Presidency, many other groups within the Bank, and also IFC and MIGA. So there's a broad range of experts looking at various issues. Some of the working groups have been quite large on some of the social issues, 10-15 people, and so altogether there's probably been about 50 people round about, looking at the documents. Not as many as probably Chad has looking at the policy review, but still quite a number of people.

So, with the issues. This table, despite a diagram, attempts to summarize some of the main issues. I can barely see this from where I'm standing, so I'm sure you can't see it from where you are. But, nevertheless, I'll just use this to talk through a few points.

Firstly, on the issue of financial intermediaries. Diversity of opinion there. Some people said, we like the standard, it's great, going in the right directions, given all the concerns there are of financial intermediaries. Others have said, don't have a standard at all. So a bit of diversity there.

In terms of cultural heritage, some have said, be much more clear about how you would treat nontangible cultural heritage, and I think, Carol, you'd see that coming through in the new draft.

Indigenous peoples, I'll be coming to another slide on that, in particular, but as you can imagine, quite a range of opinions in that area. On biodiversity, conservation and the sustainable use of living natural resources.

We had a meeting, a very good workshop with a number of the leading CSOs and bodies engaged in biodiversity in the fall, and they made a number of very strong points that we've reflected in the new Framework.

Land acquisition, restrictions on land use. People were concerned about the treatment of land titling, so we will address that.

Community health and safety. People felt that we should reflect climate change a little bit better in that.

The general approach of risk assessments and the outcomes-based approach, the use of borrower frameworks. People asked for more clarity around this, and I'll come on to that in a later slide.

Just to focus now on a few of the key points, key issues. In terms of risk assessment and management, ESS1. Virtually everyone recognized and welcomed the principle of nondiscrimination in the new Framework, but there was a lot of concern, especially among some governments, as to how this can work in practice. There was also concern over the language, how nondiscrimination is described in the Framework. Some people would just simply like to have reference to the word "nondiscrimination" and the principle established, and they wouldn't like examples given, such as sexual orientation or religion and that and so on. Others want more examples given.

The risk classification people pointed out they couldn't really understand the difference between some of the categorizations, particularly high and substantial risk, and so we're working to clarify that.

Adaptive risk management. A lot of concern that this can allow borrowers to do what they want to do when they want to do, which is not the case, of course. There's a commitment plan which is time bound and covers what borrowers are supposed to do. But, again, we put more text into to clarify and work on that issue.

On human rights, quite a wide range of opinions on rights. Some would like to see much more explicit reference to do no harm, include specific references to human rights instruments, others would not. Some say that we should commit not to fund any projects where there are human rights abuses. Several governments are concerned about that. So this is an issue where we literally do have to walk between very diametrically opposed views.

And on the right-hand side of the slide there, you can see some of the things that we are thinking about. This is not exhaustive, obviously, but we are maintaining the principle of nondiscrimination and the examples,

and we've added in a few other examples. And in regard to human rights, we're looking at the vision statement wording and also clarifying how human rights issues are addressed, not only in a way that the Bank funds projects, because the Bank helps countries meet their human rights obligations to water, clean air and so on. Our projects do that, so we help countries meet their rights commitments. But also through the Framework, principles of nondiscrimination, grievance and so on. These elements also help countries meet their obligations.

On labor and working conditions, we heard universally that the standard didn't go far enough, it didn't cover freedom of association and the right to collective bargaining, and so we've included those in the proposed draft. There was also concern about the coverage of workers, who's actually covered, protected by ESS2, and so we've worked on that and broadened the scope of coverage. And we've also clarified the language around government workers.

How we express the relationship between human rights expectations and ILO is also an area of concern for many. We've been working a lot with ILO over the last year. We've had a number of workshops with them, both here and also in Geneva. In fact, we met them yesterday morning to talk about the latest draft and we feel we're moving forward with a general agreement on how this standard should look in the future.

ESS3 on pollution control, resource efficiency and so on. Many comments, particularly in the area of climate in this standard. Some governments felt that this standard in some way was preempting climate negotiations and that we need to be mindful of that. Others were concerned that the threshold of 25,000 tons of the requirement to have some accounting of greenhouse gases was burdensome, and so we've had to be mindful of that. And also that the standard as a whole, not just ESS3, but the standards, need to cover climate change and adaptation a little better.

Community health and safety. The issue of resilience and recognizing that some emergencies, some disasters can arise from climate events needs to be reflected better in the draft, and so we're working on that. Some also pointed out that with regard to vulnerable groups there needs to be a better, more explicit recognition that in terms of community health and safety, there are specific concerns for vulnerable groups that need to be covered.

Most people that engaged with us on the land standard, the resettlement standard, the land title there, were concerned about the land titling and that this somehow would allow people to be adversely affected without any mitigation measures and so on. We're clarifying the wording on that in the

draft, and some of my colleagues who worked on that are sitting here and can address any questions you might have.

People were also concerned that gender wasn't covered very well in the ESS5, and so we've been looking at that as well.

Biodiversity. As I mentioned, a lot of people were concerned about issues around biodiversity, particular the concept of offsetting, that somehow we were going to allow borrowers to do whatever they wanted in special areas. So we've clarified the wording and we've made it clear that offsets are the last resort in the mitigation hierarchy, and in some cases offsets are not appropriate.

People said we should use similar definitions to those accepted by the broader community, such as expressed in the performance standard, and so we changed the terminology, which is much more now in line with that in the Performance Standard 6.

On indigenous peoples, loud and clear, all over the world, from every stakeholder was that people do not like the alternative approach, have great concerns about it, and so we are proposing to drop that from the standard.

Some concerns about how ethnic can work in practice, so we are looking at the text there, and also some concern about how that can work with eminent domain. Many countries have pointed out that, I think it's a good principle, however, if there's subsurface mineral resources, we should be able to express eminent domain over those.

And there was a discussion over the title of the standard. I'm sure many of you have been engaging in this debate and I don't need to go through it all, but some people are concerned about the titling and the focus on indigenous peoples rather than marginalized and vulnerable groups at large. And this concern has come especially from the African stakeholders.

A few changes on the other standards to consider based on comments received. Cover better intangible cultural heritage. With regard to the financial intermediaries, extend to the requirement for the ESSs to be me, from not just high risk but also substantial risk, and so we are proposing that as well.

And then finally some general comments on beefing up in general ESS10. This is a key process for stakeholder engagement, disclosure of information. So, a diverse range of comments that are helping us to strengthen that draft.

So that is a very quick tour of some of the main issues and an indicator of some of the directions we hope to move in, and we'd be very happy now to take any comments/questions you may have.

Edith Jibunoh: We'll let our civil society representatives do their presentations before we open up for questions and comments. So, to begin, I'd like to call, and thank you, Mark, that was great. Thank you so much for that.

Peter, would you be kind enough to offer your reflections on the consultations, what you heard and the process. Thank you.

Peter Bakvis: Maybe I'll stand over here. Okay, yeah, I'll just introduce myself. I'm with the International Trade Union Confederation, which represents organized workers in 162 countries, 176 million members altogether. About two-thirds of those are in the Bank's client-countries, emerging and developing countries.

Now, we've worked closely with other civil society organizations, but as you can understand, our main focus has been the labor issue, specifically ESS2.

I'd like to say first a word about the consultation process and then go into the content. So, the consultation process started, I believe, in September. Stefan mentioned 65 consultations. We were at many of those. I have to say, we encountered some initial difficulty. In fact, the very first consultation was in the Republic of Georgia, and our affiliate was initially told that, our Trade Union affiliate, that invitations were, well, they said attend by invitation only, and they weren't on the list. However, we intervened with the Bank's Safeguards Team, that issue was resolved, and I'm glad to say that any other hiccups that came, we got quick response, and I heard of no further problems. All of our organizations were able to, who wanted to take part, were able to do so. Again, I can't speak for obstacles might have encountered, and I hope those are raised, but those who did not participate, some submitted written comments, and they were posted on the Bank's website, so on that level we felt that we had an opportunity to make our voice heard.

Now, on the content, we had two major grievances with the first draft that was made public in July, and Mark, in fact, touched on those. We thought they were substantial weaknesses. One was the very limited scope of coverage. Contract workers were completely excluded, and if you're talking, for example, about World Bank infrastructure projects, that's the great majority of workers, there's also very limited coverage of public sector workers and public employees. So that was one issue we had.

The other was lack of requirement that all of the core labor standards be complied with. I'm sure many of you are familiar, they've been established by the ILO since 1998 or, in fact, a de facto condition of membership to the ILO, and that covers pretty much all of the membership of the World Bank. And the exception was made concerning freedom of association and right to collective bargaining.

And I have to say, we raised these issues, and our task was facilitated by the fact that some regional development banks have already covered both of, the two grievances I mentioned do not exist in those, the African Bank and the European Bank, in particular. IFC, their standard covers them as well. Now we've had issues in implementation that are not always satisfactorily resolved. But the other thing that facilitated our task as well was that we, our affiliates went to see many governments and several governments publicly expressed support for the points that we raised.

And the ILO was consulted. I'm not party to what went on between the ILO and the World Bank, but I, knowing the ILO, I presume that they raised similar concerns to ours. There was a specialized consultation of labor that was convened in January with labor specialists, a couple of trade unions, some employers, some government agencies as well. I was pleased that we were all pushing in the same direction. And, again, it's these two major weaknesses that were raised by others. A few other points as well, but since time is limited, I'll skip over those.

Now what Mark puts in the "being considered" column and what he just presented for ESS2 responds to the points we raised, so we'll reserve judgments, obviously, for when we see the final draft, but we're pleased to see that the message we and many others made has been understood and is now under consideration.

Now, let me just end in saying that there's been a lot of discussion since the announcement that was alluded to in the first of the Bank speakers. There's the creation of the new AIIB, there's a new development bank. You know, but we see at least rhetoric from those agencies that they want to be lean and green, and I hope they want to be respectful of workers' rights as well. I haven't seen that mentioned. This is really an opportunity, we see, for the World Bank to show leadership in the standards, but also in the coverage and the implementation. So, you know, we are over the view, and I think many would re-echo the position many other civil society organizations that development policy loans have to be addressed as well. Financial intermediaries, we've seen, you know, the major weakness at IFC where two-thirds of the lending now goes to financial intermediaries, where coverage is almost absent, even though on paper many of the standards, IFC standards, are good.

And implementation, I'm ending on that, implementation for us is key. We need effective grievance mechanisms, complaints mechanisms and rapid response mechanisms, and I have to say, the Bank here, again, can offer leadership. You know, I mentioned the IFC standard on labor, Performance Standard 2, which on paper is very good. We've had complaints before IFC on one case from Colombia that we submitted in November 2011. We're still waiting for the report. Now, three and a half years is not an expeditious procedure. So the Bank needs to have something in place that's more effective, that can resolve issues and not let them fester and get worse. So, thank you.

Edith Jibunoh:

Thank you very much for that. It was very useful, and I'm particularly pleased to hear that the initial hiccups that you encountered were resolved and, well, met with quick responses at least if they weren't completely resolved. I know that we are, Vicky is still delayed, but she has, I just wanted to make sure people knew, but she is going to be joining us. We've gotten word that she's on her way.

I also wanted to announce that there's an overflow space outside, just outside the doors, and there's a screen and you can hear perfectly well, so if it reverts to at some point where we're standing or you simply want to take a break, you can go and sit out there and still hear everything that's going on in the room.

Can I ask David McCauley to please make his presentation? Thank you.

David McCauley:

Thank you. Just by way of introduction, I'm with WWF, as was said by Edith, and we've been participating not only here in Washington but through our global network around the world in the consultation process that has just concluded, and even before that we're involved with Phase I discussions, including on the topic of climate change.

I'll pretty much limit my comments to the topic of climate and environment since that's, you know, where we're focusing our attention, but I would not try to repeat, but associate myself, as they say, with some of Peter's remarks on a more general nature as well as linking back to Stefan's opening with respect to the significance and the sort of stakes being very high here, given the world is watching how the Bank establishes these standards. It's not just as if that were not enough, the AIIBs and the new development banks and the other MDBs, but it's the broader range of development banking around the world, commercial banks, as we've seen over time the reflection into equator principles and so forth and, ultimately and most importantly, the countries themselves around the world as they raise their own standards, their own rules and regulations with respect to all of these standards.

So, there was the comment about the consultation process. We also encountered some, I think hiccups was the technical term that was used, and things did get better as it went on. It was an ambitious undertaking, but there were, you know, it really, it wasn't, it's called consultations, but of course in the strict definition of that term, there simply wasn't enough advance notice and so forth to really qualify for that, but certainly it was a valuable opportunity for dialogue, as is today.

The first draft had a number of weaknesses, not least the terminology questions that have already been alluded to in Mark's presentation, certainly in the area of ESS6 on biodiversity and others that we're following closely. Those were some pretty, there were some pretty confusing terms on some fundamental issues, such as critical habitats and ecosystem services, biodiversity offsets, no net loss and so forth, and it's encouraging to hear that these are being considered for improvement. We've, we were able to participate in this expert group meeting that Mark alluded to on ESS6 and take some heart that in the assurances that we're being listened to, but again, you know, we'll look forward to seeing the draft and making further comments at that point.

There was also, I should mention, the Bank Safeguards staff, at least here in Washington and certainly through the consultation process, has made itself available, as Peter alluded to, and that at least is appreciated. There was a session a couple of days ago, Glenn Morgan, on ESS6 and on forest issues that provided quite a bit more detail than just the summary that Mark did, which we also find reassuring. Again, we'll look forward to seeing.

On indigenous peoples, just related to that, you mentioned this alternative process being dropped. That's very encouraging. On climate change, we would like to see alternatives better reflected because, you know, at the outset during Phase I, the Bank characterized this as moving beyond just doing no harm, but wanting to also use the Safeguard Review Process as an opportunity to be more proactive to do good, and I think, at least in the climate change area, getting upstream, as many submissions have pointed out, is important, and seeking alternatives rather than coming too late in the game when a particular approach that may have much higher greenhouse gas emissions, for example, than some alternatives. We would very much like to see systematically those alternatives considered really as a part of the process. Likewise on climate change impacts. It's a little bit different when you talk about climate change impacts and adaptation. There are some aspects that lend themselves to the Safeguard Process, that is, the do no harm, that is, you don't want to do maladaptive activities that are actually going to reduce the resiliency of your target population, but at the same time there are some fundamental differences because the Safeguard Process is about the impact of a project on the environment and

social conditions, whereas with climate change impacts and climate change adaptation, it's really about the impact of the environment on the project, and so that's a fundamental difference.

There is some talk within the Bank circles, building on the IDA-17 requirements that a new screening tool is being developed on climate, and we look forward to seeing that. We'd be interested to know what are the intentions of the Bank in terms of how those will link up between the safeguard requirements and this new tool, both in time and sequence, and most importantly, perhaps, accountability. So we'll be looking at that.

Then, finally, just looking ahead on Draft 2, there are these somewhat promising indications. I think that the ability to implement has been raised by Peter, which has associated with it budget implications and responsibility allocations within the Bank and between the Bank and borrower-countries. We'll be paying very close attention to that.

And I think that we haven't really, it's probably not the right place to have this discussion, but it will probably come up in the next round of consultations, particularly you've referred to the diversity within the Board, within the shareholders, and I think, in particular, in the middle-income countries, but really all countries want to aspire to using their own systems. And this would be a missed opportunity if a pathway to the use of borrower systems were not identified, and I think that's important, both as a principle and as a practical matter in terms of getting this through, finding a compromise with your shareholders, and that means deciding on how that would work, of course, and finding the resources to build the capacity, not just on a project-by-project basis, which is the way it is done. Thanks very much.

Edith Jibunoh: Thank you very much for that. I'm going to move very quickly to Mohammed so that...

Mohammed Loutfey: Good morning, everyone. As a matter of introduction, my name is Mohammed Loutfey. I am the Senior Advisor on Development and Strategic Planning with the Lebanese Physical Handicapped Union. I'm also the Executive Director of the Arab Regional Office of Disabled People International, DPI. I'm also the co-founder of the Campaign on the World Bank Safeguards and Disability. It's an initiative that started three years ago between the Lebanese Physical Handicapped Union and the Bank Information Center here in Washington, D.C.

Well, I'm asked to speak about the results of the previous or the last phase on the review process of the Safeguards, the consultation opportunities which people with disabilities were involved with and also the expert meeting that was held this March, on March 19th, bringing people

representing different vulnerable groups and to talk about or concerning issues of nondiscrimination, risk management and so on and so forth.

Well, I would like to start with positive points because I wanted to hear more from Mark about what staff involved with the drafting process of the Safeguards got from the expert meeting because that would be really helpful to see what did the Bank get as a result of the expert meeting on March 19th. But maybe when Mark would answer questions, he can reflect on that.

But before I also start listing my points, I would like to acknowledge that today, as we are speaking about the Safeguards, this process has been an excellent threshold for organizations representing persons with disabilities around the globe. Reaching out to the World Bank as a leading organization on issues of international development, it's very important to acknowledge the fact that, actually, it's a victorious issue for us that the Bank has revived the position of advisorship on disability, and I think Charlotte, the Advisor on Disability, is with here in the room. So this is an excellent, I would like to congratulate the Bank on this step.

Again, the original goal for the effort that a group of disability organizations around the world have been trying to do using the Safeguards is to ensure that the Bank would envision a new role in engaging more of a systematic inclusion of disability issues into its operations, presenting a role model for international organizations on development and human rights to pursue the same steps.

We have to, again, acknowledge the significance of the positive attitude that we've been hearing so far over the last two-three years of the review process by the World Bank people on these very issues. Disability has been included in ESS1 and ESS10.

Now, we want to see, or the question today is how is this going to continue forward, mainly when we address issues of implementation and monitoring and evaluation, of course? But before I get to that, I would like to mention that we are quite happy with the recognition of engaging persons with disabilities in the consultation processes and consultation events that took place around the world. However, as we are talking about hiccups, you know, it's still in the morning so, let me bring up one very important hiccup that we encountered through this process.

One of the main issues that we've been trying to push through this review process is the consideration of universal access and inclusion standards. This is quite important because without that, we cannot guarantee that World Bank operations will take into account the implementation or putting into practice or fulfilling the goal of inclusion for persons with

disabilities. And this is going to help governments, disability organizations and the World Bank itself to really pursuing a clear vision on this issue.

Now, one of the problems we encountered that during some of the consultation events, a disability was not recognized and thus disabled persons had to bail out and not attend these consultation meetings. For instance, in Morocco, the place where the consultation meeting took place, the venue where the meeting took place, was not accessible for wheelchair users, so people who would have had a real significant input into the the discussions at the that meeting had to leave because the Bank or the country office did not take into consideration the idea of accessibility. We realize that these are matters pertaining to issues of infrastructure, but it's time now to see a new beginning in terms of engaging the World Bank of including standards of accessibility into its operations pertaining to issues of infrastructure.

Now, this would again bring up the issue of procurement because procurement without considering standards of accessibility for us remains meaningless. Thus, if procurement did not consider standards of accessibility and inclusion, the Safeguards would encounter a major challenge, which is the lack of any valuable implementation outcomes.

So, this is an emphasis for us that we need to bring up here at this meeting that inclusion and accessibility must be a key point that the Bank has to consider in its operations. The safeguard is just a beginning to see more engagement by the World Bank on issues of inclusion for persons with disabilities.

One of the main issues that we want to address here is that our argument from the beginning that the Bank needs to expand its perspective on disability beyond issues of social protection that dominate, which was the dominant approach during the time before this recent restructuring of the World Bank. And the reason why we are saying this is because if we would go beyond social protection, we assume that the Bank has to avoid any double standards on issues of disability. It's not acceptable anymore to say that the Bank in some countries would fund projects pertaining to issues of disability, but on segregating basis, welfare institutions that tend to keep pushing for stigmatizing attitude or culture on disability within that country. So we need to see more commitment from the World Bank on issues of inclusion not only in one part, in everything we see at the Bank. So this is a call for the Bank to work on its country members, country staff members, the Headquarters staff members to enhance their positive attitude on issues of inclusion.

We know that Safeguards are in the process of drafting now and the EDs would have to decide on this later on, but we think that the pushing for an

inclusive agenda by the World Bank through its Safeguards is a critical point for us because we are in the process now of reviewing the post-2015 development goals and, unfortunately, the bad news is that disability has been dropped from the first goal, which is on poverty reduction.

So, when we see a commitment by the World Bank through the Safeguards and other operations, we believe and we trust that there is a supporting agency with us to promote issues of disability and keep it on the agenda on development.

The last point I would like to make is we need to see more commitment on issues of implementation and monitoring for the Safeguards, and I think now having the Advisor on Disability here at the Bank is an important opportunity to work together on this matter, and I would like to emphasize that the Bank must show more openness for engaging grassroots organizations or persons with disabilities because these are people who can provide the expertise, the capacity to help the Bank in fulfilling its commitment towards issues of inclusion and accessibility.

Yes, we know that governments might be a barrier for that, but I think with the help of the World Bank engaging grassroots organizations, we can make a difference and we can solve lots of problems pertaining to issues of capacity building because this is one of the key issues that we are still facing, the lack of capacity building at the Bank, at the governmental level and at even civil society level concerning issues of disability rights and inclusion.

Thank you very much. We think it's been an excellent experience and promising, it's a promising thing to see disability included in the Safeguards. We need to find or to hear or to read more or a better language on systematizing the issue of inclusion in the Safeguards. There is still a gap that we need to fix, to solve or to fill in terms of bridging between the Safeguards and annexes concerning issues of implementation and monitoring when it comes to issues of disability.

Another point we made during the expert meetings, actually these are all the points we already mentioned in the expert meetings, but one last point is we want to see disability reflected or emphasized in the Preamble of the Safeguards as the Bank would make a reference to the Convention on the Rights of Persons with Disabilities by the United Nations, and I think if we do that, the Bank would really show a strong backup for issues of inclusions because 100+ countries have ratified the Convention on the Rights of Persons with Disabilities and if we make sure that CRPD is referenced in the Preamble of the Safeguards, I think we can encounter that problem that we are now facing with the United Nations on the Post-

2015 development goals missing on issues of disability. Thank you very much.

Edith Jibunoh: Thank you. Thank for that, Mohammed. Thank you for continuing to advocate for both access and inclusion standards.

We don't have a lot of time left, but we have one more presenter. Vicky, would you please come up and give us your reflections, because we'd like to leave some time at the end for people to make some additional points and comments. Thank you, Vicky.

Vicky Tauli-Corpuz: Thank you. Thank you very much. My name is Vicky Tauli-Corpuz. I'm the UN Special Rapporteur on the Rights of Indigenous Peoples, and I'm an indigenous person from the Cordillera region in the Philippines.

Well, I'd just like to do three things. First, to talk about what's the process that has been entailed in relation to indigenous peoples' engagement with the Bank as far as the Safeguards issues and other issues are concerned. Second, to highlight what were the key points from the indigenous peoples' proposals in terms of the revisions of the ESS. And then thirdly, the Special Rapporteur's points of view that was also presented, and maybe the last point some ways forward.

In relation to the process, I think that there has been, there have been many consultations done with indigenous peoples by the World Bank staff, and this included country meetings. There were two meetings held in the Philippines, for instance, and other countries in Latin America and Africa, and then there were regional consultation as well for various indigenous representatives from the different countries in the regions were brought together. And then finally, just a few days ago, for the past three days until Wednesday, there was a global consultation where around 30 indigenous leaders and representatives came to discuss again the points that they have been raising to consolidate their common positions, but representatives of the three UN mechanisms dealing with indigenous peoples also were part of that process, so myself, as the UN Special Rapporteur, a representative of the expert mechanism on indigenous peoples' right, as well as the UN Permanent Forum on Indigenous Issues. So this was done in the past from Monday to Wednesday, and we had meetings with the Senior Management, with the Directors, the Executive Board members as well as the President. We had a meeting with the President last Wednesday. So we were able to communicate to these various groups and to the President the views of indigenous peoples.

In terms of common positions in the indigenous peoples – Africa, Latin America, Asia, as well as Russia – they came together and they put together a common position related to how they would, what are the

proposals they have for the revision of the Safeguards. I'll not say everything, I just want to say that the first point was really to get rid of that paragraph 9 on alternative approach and the response we got when we discussed this was there seems to be bias now in favor of really taking off that reference. In relation to the particular reference, several of our African friends, there were also representatives of the African Commission on Peoples and Human Rights, by the way, you know, so they had a change to also meet with some of the African EDs to communicate the views of the indigenous peoples from the region.

So, the response we got was that it seems like that is going to be taken out, but there might still be a waiver kind of proposal that will deal with this issue in case it comes up. We actually debated strongly the point being raised because we were informed that one of the key points that some of the governments pushing for that is that it can lead towards more conflicts, ethnic conflicts in particular countries, and personally I stressed that there is no evidence whatsoever that will show that conflicts happen because these kinds of rights are being recognized, and the obligations of states in terms of their compliance to the conventions that they signed onto are being followed. So we don't think that that argument really holds water. So that was one point stressed on this particular issue.

The other issue was in relation to free, prior informed consent. While, of course, we were pleased that finally the term used is free, prior informed consent and not free, prior informed consultation with broad community support, we also stressed that we really have to look at free, prior informed consent as a continuum that it's, you know, you enter into consultations with the objective of getting free, prior informed consent at the end. So it's a whole continuum, it cannot be fragmented in different, like you just have consultations and not necessarily link it to free, prior informed consent. So that was the second point.

The third point was about still pushing for the need to apply Safeguards not just to investment loans but to development policy loans as well as to PR4 loans, no? Of course, we got a response that maybe that will be done in a sequential manner, but as of this point the Safeguards maybe will not cover those other areas.

The other issue was about collective rights to land. As you can see, in the existing draft it talks more about collective attachment of indigenous peoples to their lands, but we wanted to stress that it's really not just in the attachment but really the whole, you know, the whole package of the collective rights to lands, territories and resources as recognized in the UN Declaration on the Rights of Indigenous Peoples.

So, those are just some of the few points that was raised as a common position of indigenous peoples, and this was presented to all the various persons that we met with.

The next area I want to speak about is the position of the Special Rapporteurs. As some of you may know, 28 Special Rapporteurs sent a joint communication to the Bank, basically looking and making comments on the various aspects of the whole package of the Environmental and Social Safeguards, and I was one of the Rapporteurs assigned to this and, of course, on my part what was stressed from my point of view was more about the opt-out/opt-in clause. But actually there is a bigger, I would just like to share the bigger picture that we looked, we see in relation to the Safeguards.

First of all, we really think that a balance should be struck between the obligation of the Bank to promote and to also push the borrowers to comply with their international obligations to human rights and the flexibility of the Bank in terms of deferring, you know, a lot of things to the borrower countries. We think there should be a balance between the two where the Bank will have to really look and do their role in terms of the promotion and protection of rights, even if we know that that is not the main objective of the Bank, but that we still want to see that this is the benchmark, human rights becomes the benchmark of Safeguard protection, no? So that's one point.

But we also are worried a little bit about the fact that there is a lot of flexibility given to borrower systems. While we do understand the whole issue of ownership, we also are very much aware that at the national level there is still a lot that needs to be done in terms of borrower countries really complying with their duty to uphold human rights obligations. As Rapporteurs, and I mentioned this on the first day when I spoke at the meeting, as Rapporteurs, we see every day communications or complaints from allegations of human rights violations from many indigenous peoples in many countries, and I cannot simply ignore these things. And, of course, I know that the role of the Bank in terms of building the capacities of countries to be able to comply with their obligations, it's still there. I mean, we do not have to couch it in human rights terms, but even the whole issue of access to relevant education or access to relevant health services, these are human rights obligations. We don't have to say it like this is a human right to education or human right to health, but it really is the whole issue of how do you ensure that these kinds of services are adequately designed with the participation of the indigenous peoples as well as implemented and monitored whether these are really being delivered in the way that respects the cultures, the identities and the rights of indigenous peoples. So that's really one of the areas that we would like the Bank to play a role, too.

Secondly, you know, there have already been, we have come a long way. There is now something called the Guiding Principles on Business and Human Rights, and these Guiding Principles have been adopted by several, even banks, no, some private financial institutions, banks. If you take a look at some of their websites, you will see that they have developed already policies and they have mentioned human rights as a reference point in the ways that they are going to give the investments, provide the investments and also design their project or policies. So I think that time has come already where there are many actors, both the private sector, non-state actors, who have already agreed that this benchmark of human rights is something that needs to be adhered to because this is what is going to change the situation in many countries where such human rights violations continue to persist, no? So I think that it's, how do you call it, it's imperative for the Bank to also look at all these different commitments being done by non-state actors, and the Bank, being still a part of the UN system, really has a bigger role to play compared even to the non-state actors who are already coming into the table and mentioning the policies that they would like to have in relation to business and human rights.

So, for the Special Rapporteurs, it's really not just simply the architecture but really the whole idea of how do you enhance the capacity of the Bank to ensure that borrower countries will not contravene human rights standards when loans are being given to them and that they are able to provide the assistance needed by these countries to be able to really adhere to these kinds of human rights obligations.

So those are really some of the viewpoints that we stressed, and I would just like to say that, you know, in the end we would like to see that final draft that will reflect these things, and we still believe that there is a lot of, you know, good will between indigenous peoples and the Bank, and we hope that that will be maintained and sustained as we go along this whole process. Thank you very much.

Edith Jibunoh:

I realize that we've gone really, really over time. [cuts out] a lot more time for questions and answers, but what I'm going to do and here's the caveat. Because I want to get a few people in to make comments or quick questions, I'm going to interrupt you if you do start making statements because I think it's particularly important and rare for us to gather the number of people that we have in this room. We don't have too many opportunities like this. So I want to take quick questions from folks. There's a lady here who got to me first because she's was very smart and caught me alert. So I'm going to let her go very quickly. There's a mic there, but I will interrupt if you go too long. You have 30 seconds, quick comments, quick question. Go ahead.

- Female Speaker: Elaine Zuckerman of Gender Action. I'd like to share with the Safeguard Team that during the first consultations a gender network submitted a list user-friendly bullet points of what would go into the first-ever do-no-harm mandatory Gender Safeguard, but they were ignored. When the draft came out there was neither a free-standing Gender Safeguard, a first-ever Gender Safeguard nor was gender mainstreamed into the other Safeguards. It was very, very weakly mentioned just in passing and strings of bullets. So what I want to say that the Bank has promised that it's coming out with a new, great Gender Strategy. I think that will be great, the new Gender Strategy, but it is no substitute for a do-no-harm Safeguard that is mandatory. As strategy is simply a guideline for staff. I know, I used to work here in the Bank. I've been a task team leader, an economist. We need to have a first-ever do-no-harm Safeguard and also we have to mainstream gender into all of the Safeguards. We need both. You can't have just one. So, I wish I could go on, but I can't. Thank you so much.
- Edith Jibunoh: Thank you. Okay, next.
- Male Speaker: [through interpreter] Thank you very much for this opportunity. My question is about the terms you've been using. Involuntary resettlement, why don't you use forced resettlement? When we talk about indigenous people, why didn't you adopt the ILO Standard 169 in terms of the definition of who are indigenous people? Or look into the international declaration related to indigenous people, yet you relied on the definition will be submitted by the countries. So it's kind of discrimination against marginalized groups because also you mentioned that the consultations will take into consideration women, but what about disabled, special needs individuals? We have seniors, we have children that are considered to be also on the same level, and we have to take them all into consideration with my all respect to women, of course.
- Edith Jibunoh: Okay.
- Male Speaker: And finally, the consultation itself, we faced major problems and we need someone to respond to our comments so we can understand what are your, you know, reasons or justifications for those kind of violations. Thank you.
- Edith Jibunoh: Thank you, thank you very much. I'm going to take one more and then give my colleagues a chance to respond. Please.
- Male Speaker-2: Hello, a question to our World Bank colleagues. Given the commitments made in IDA-17 and the World Bank strategy to fragile states and their particular challenges, how are these challenges being reflected in the next

draft of the Safeguards, and particularly around using borrower systems?
Thank you.

Edith Jibunoh: Thank you. I think we can do one more round if the people are really quick, but I'm going to ask my colleagues to come in quickly on those three and then we'll do one more round if folks are okay with staying. So I think Mark, maybe Stefan, and Maninda might want to speak to the resettlement, but I'll have Mark go first.

Mark King: Thank you. I will pass over the microphone soon to Charles who will deal with some of the more legally focused questions. But I just want to touch a little bit on borrower frameworks, borrower systems, which has come up a few times this morning. A few people, a number of CCSOs I was speaking to yesterday, in particular, see the importance of encouraging the use of borrower frameworks because it creates a greater sense of project ownership on the part of borrower governments. It also helps us focus on their development needs and build capacity so that they can manage projects themselves better in the future, but this has to be couched in the terms of being a responsible lender. We [recording ends at 01:16:56].