



SAFEGUARD POLICIES REVIEW – MULTI-STAKEHOLDER CONSULTATION

Washington, DC, October 11, 2014

A video recording of the meeting is available on the Safeguards Review [website](#)

TRANSCRIPT

Note: This is a transcription of the multi-stakeholder consultation at the Civil Society Forum held during the 2014 Annual Meetings in Washington, DC. The meeting focused on a draft Environmental and Social Framework and a proposed set of environmental and social standards (ESS1-10). After presenting an overview of the draft proposal and next steps, the panelists opened the floor for questions and comments.

Safeguards Panel: Stefan Koeberle, Mark King, Charles Di Leva

Meeting Facilitator: Sumir Lal

Sumir Lal: Good morning, everybody, and welcome to today's consultation event on the World Bank's proposed Environmental and Social Standards Framework. My name is Sumir Lal. I'm from the Bank's External and Corporate Relations Department, and I'll be your moderator today.

Let me welcome the online audience as well. We really look forward to your participation. The way we'll do this today, is that we start with Stefan Koeberle, who's the director for Operations Risk in our OPCS Vice Presidency, who will set the stage, with a welcome address.

We'll then have a presentation by Mark King on the proposed framework itself, and then what we really would like to is spend the rest of the morning just discussing the core issues where most of your interest lies.

We've got several others in the audience from the Bank here, who will also be able to throw light or perspectives on some of your questions and issues. I'll introduce them and the rest of the process we're going to follow today once we've first heard from Stefan. So, Stefan, over to you.

Stefan Koeberle: Thanks, Sumir, and good morning to everybody. It's great to see so many of you here on this rainy morning and have the opportunity to discuss with you. As you know, we are now in the second phase of our consultations, and this is a moment where we are actively seeking feedback and ideas,

suggestions on the first draft that was put out in July and is now available on our website. There are also a number of other additional documents that have been produced over the last few weeks, and we'll keep posting them as we go along. So we are very happy to hear from you.

We are all very aware from some of the reactions we've been getting and some of the discussions we've been having already in the first weeks of the consultations that these are very intense public discussions. And for us, that's exactly what we wanted. It's a good thing to have people reacting to this and, as we know, safeguards really covers a very wide range of very complex issues on which people have long-held views. As we discussed last time, they touch on a lot of the values we all hold dear, and so it's a great opportunity for us to hear your opinions on the proposal, which we want to then improve as we go forward with the review.

As you heard from President Jim Kim on Wednesday, for those of you who were there, we're planning to extend the consultation phase and really make sure we hear all the voices and engage meaningfully with all the stakeholders and everybody who has something to say on the topic. We take the input very seriously and aim to refine it, improve it and adjust it as needed, and then put forward a very strong proposal to the next round, when we engage with the Committee on Development Effectiveness, a sub-committee of the Board, before we would then go further on and seek any additional inputs. At the end, it's, of course, up to the Board to decide what the framework will look like.

For those of you who are new to this, let me just maybe spend a minute reiterating some of the objectives of the policy review and of the new framework. Let's start with the twin goals of the institution. We in the World Bank are very aware that we cannot achieve the twin goals of ending poverty and promoting shared prosperity without taking into consideration all aspect of social and environmental sustainability. I think we can all agree that we all share a common vision of a socially inclusive, environmentally sustainable world, and also it's entirely clear, I think, and comes out in all the comments and, I hope, also in the draft that we put forward, that protecting the environment and the world's poorest and most vulnerable people in our projects are key elements in this vision.

So, as you know, the current safeguard policies have been in place for about two decades and at the time when the World Bank proposed them, I think we were sort of ahead of the game and were often setting an example for other institutions. And in a way, the safeguard policies have served this world, but we've learned a lot of experiences, and we have also seen that other multilateral development banks, other institutions have built on the World Bank's policies, often improved them, and those are the examples we want to look at.

Over the last two decades the world has also changed in many ways. Our borrowers have become more diverse and face many new issues. Many of them are also in a much better place and in a much better position to manage their issues that in a way weren't anticipated when the safeguards were originally written. If we as a development institution want to maintain our role in global development, we think we need to dust off our current safeguard policies and modernize them, make them much more open to new issues that have not been adequately covered and clarify many of the issues that are not now spelled out in a very clear way in the policy.

The intention of the new approach in the Environmental Social Framework is to improve on the current safeguard policies and make them better for beneficiaries and much clearer for borrowers. It is written in a way that makes the Bank much more accountable, so the Bank's responsibility and that of the borrower are very clear.

So, what we're proposing here in this new framework for your consideration is intended to be much better for the beneficiaries because they receive improved protection for their livelihoods and for the environment. Secondly, we also think that it's intended to be better for borrowers because the projects have better development outcomes with improved design and implementation measures. And, finally, also for the Bank, it's an improvement because the new rules add much more social and environmental protection in a way that enables us to be much more agile and responsive to our diverse clients.

Let me just talk for a moment about the actual proposal. Since the end of the last consultation phase, we've worked very hard in drafting a proposal that considers the very wide range of issues that we've been discussing over the last two years and views of our stakeholders, including those you, have shared with us.

A point that goes without saying, but let me just reiterate it because it's very, very important for this entire discussion. We're a multilateral institution. We have 188 member countries. All of these member countries have their own cultures, they have their own histories, they have their own political constraints and their own mandates, and we are operating under an environment where these are our owners and we need to listen to all of them. And in the end, it's the Executive Directors who will make the final decision on the framework, and that's the nature of a multilateral organization that has global membership. I think that's a very fundamental point, so our job is, in a way, to listen to all of those voices. And I think that's a point we'll need to reiterate at appropriate moments time and time again.

So what you have in front of you is a very first draft, and with your help we intend to improve it further. The framework builds, as I said, on existing safeguard policies and, what's very important to us, it tends to preserve the

Bank's core values of protecting people and the environment in the projects we fund. Now that's spelled out, we'd like to think, clearly in the vision statement at the front of the framework, and we'd like to reiterate the importance of the values that I think we all subscribe to.

So basically what we heard from you and others in the first consultation phase, the idea of the framework has also introduced new measures that are designed to broaden and enhance the existing protections. And Mark King, our Chief Officer for Environmental and Social Standards, will discuss them in more detail and, of course, will be very happy to respond to any of the very complex issues in much more detail when we go into the discussion phase.

Let me just highlight some of those, as many of you have already commented on them. So, first, the framework introduces free, prior and informed consent, FPIC, which is of course, is a concept that many of you have been asking for, for a long time, and that is quite an iconic demand that came out of the first consultation phase.

Secondly, something that is extremely important for our President and for our Executive Directors, is also the importance of nondiscrimination of a core principle, which we wanted to enshrine in the framework in a way that we felt hasn't really been done in the current safeguards. What that means is it covers a lot of issues related to human rights, gender, disability, sexual orientation, religion and many other aspects that pertain to nondiscrimination. As you know, another very complex issue is human rights, and we have, it's basically addressed in the vision statement of the framework.

Furthermore, for the first time, the Bank is suggesting a standard on labor and working conditions which prohibits child labor and forced labor. So that's something that entirely new for the Bank and from some of the internal discussions that have made their way to the internet, you can also see that this was a lively discussion inside the World Bank, introducing a whole new standard on this. Furthermore, the proposed standard on land and involuntary settlement clearly prohibits forced evictions. And then borrower requirements on biodiversity will, if they're agreed on, prohibit significant degradation of critical habitats. So these are just a few of the hot button items that we directly reacted to that came out that came out of the first phase of the consultations.

Now, maybe just a word on the consultation process itself. As you now, we've just started, we started this journey to review and update the safeguard consultations almost exactly two years ago, and we benefited from a lot of inputs and suggestions. One of the most important suggestions on this was, of course, was the IEG evaluation of our safeguards. And that's something we keep coming back to because it's really given us a very good direction and guidepost to react to. And of course, many of you have also

made a lot of effort and taken good care in sending us very detailed and thoughtful suggestions that we take very seriously. We've also benefited a lot, of course, in the first round and in the discussions so far from the input, verbal or written, from many of the stakeholders on what works well and what doesn't with the current policies. We're very grateful for the inputs in the first phase of the consultations and for anything that's been sent since then.

So, again, maybe let me just reiterate that the draft you have in front of you is a first draft and is not written in stone. We wanted to hear from you and what you think and we will very much consider your feedback as we go through this framework.

So in the first consultation phase, we discussed the principles of environmental and social protections. Now this is about details. The proposal is on the table and we are very much looking forward to hearing your suggestions and specific wording suggestions, in particular, which are most helpful, on the draft that we've put forward. The consultation process that we've started is very complex and we're really aiming to strive to reach out to all the people who have something to say on the draft. We're very much striving to live up to the best international consultation guidelines and the Bank's own guidelines on consultations, of course.

We also heard from you that the policies put forward are complex, they touch on many issues, and so it takes some time to digest them. They're also often not written in a style that's very easy to penetrate, and so therefore we want to give enough time for the consultations and, as our President Jim Kim announced, we want to give enough time for the consultations, therefore extending the consultation phase.

Following the Bank's own consultation guidelines, we want to be transparent and accountable. As you know, we're publishing all the consultation meetings in our consultation websites just as soon as they're confirmed. As you can imagine, this is a huge logistic undertaking and takes a lot of dimensions into account and as soon as something is clear, it's on the website. We're publishing the list of consultation participants and, of course, as soon as the consultations are done, we're publishing the summaries of what was discussed, And at the end of the consultation process and after we've revised the proposal, we'll clarify how the feedback has been taken into account.

For those of you who have looked at the website, you can see that all the material is posted there, including the consultation material, all the details, backgrounds, annexes to the framework, just as soon as we develop them. These are all in draft form that is made available. The materials are also accessible to the visually impaired. We're doing our best to make the consultations visible and accessible to all stakeholders, and I think that's a point that's very important to us.

We'll also host dedicated consultation sessions for indigenous peoples, like we did in the first round of consultations, and I think because this is often very complex and technical and gets into a lot of specific issues where we really need the advice of experts, we're also hosting a wide range of specialized sessions for experts on dedicated topics such as biodiversity, vulnerable groups and labor, and any other dedicated, specialized issues where we very much seek the - input of technical specialists who are experts in the areas.

As you know, we've just started the country consultations. I just came back from the first meeting in Georgia, which we held concurrently with consultations that are going in parallel on procurement. We're working with our country office on meetings that are coming up in the Philippines, in Vietnam, Egypt, Lebanon, Croatia and Turkey at the end of this month. And then, as I said, new information about the process will be made available just as soon as we're able to provide it.

And if you have any suggestions on improving the process, let us know. My colleague Anne-Katrin is here. She is happy to receive any feedback, and if you have any questions, she can also answer any questions later on. And, of course, we have our email where we get a lot of inputs already. You can send it to safeguardconsult@worldbank.org. If you want any further detail, Anne-Katrin can provide them.

Sumir will guide us through the discussion today. He'll be the master of ceremonies, okay. Mark, as I said, will introduce the framework. We also have our colleagues from the Global Practices in the room, in particular, I haven't seen him, I think he's here. There's Ede, who is in charge of the Global Practice that is responsible for social development, amongst other things. We also have our colleagues from the Environmental Global Practice here somewhere, and Maninder is also there. Maninder is there. We also have Charles from the Legal Department and many other colleagues who've been helping out either on the operational side or on the review side or monitoring side.

So, it's a big team, it's a complex undertaking and we're very happy to hear your questions, but first let's hear from Mark.

Sumir Lal:

Yes, so, thanks, Stefan. So as you heard from Stefan, we've got a number of our colleagues from other parts of the Bank who've been involved in this process in the room as well to take part in the discussion.

So the way we were proposing to conduct the discussion is, after Mark presents the proposal itself, is based on what we've been hearing about the issues that are of real, that have been of real interest to all of you, that we would, in order to be able to go in-depth into each of the issues, if it's okay with all of you, we would take each of the issues in turn and have your

questions come on those issues. And the ones that we've sort of identified based on what we've been hearing are on the subject of nondiscrimination, labor and working conditions, indigenous peoples, land and involuntary resettlement, biodiversity and human rights. And if there are more that you would want to go into, we would be very happy to discuss those as well. But perhaps we could start by taking each of those in turn and spend as much time as you need on each one of those. We would expect that in toto they would average out and we would be able to conclude by the scheduled time, but even if we overrun and we have to vacate the room or anything like that for the next event, the team will still be very happy to continue the discussion with you if there's anything that we haven't been able to cover during this time.

For the people watching online, we don't have a Live Chat facility, but you can certainly send in your inputs and questions through our consultation website, and in the course of this consultation process we will take on board and address whatever your issues are.

I'm told that coffee will appear at some magical moment in the morning, so if and when you need that refreshment, you can just check if it's out and you can step out and do that. We'll take a break at some mid-point. Again, we'll just sort of time that at some sort of logical point in the discussion. And with that, let me just hand it over to Mark. Thank you.

Mark King:

Thank you. Good morning, everyone here, and greetings to everyone online from a very wet Washington, D.C. So, just to set the scene in terms of why the safeguards review, Stefan's touched on a few of the points in his introduction. The Bank's standards, policies at the moment are very old. It's about time they were looked into and I'll go through some of the additional reasons for that in a moment.

But, first of all, I wanted to set the scene of the safeguards and manage some expectations around the role of the safeguards and the new framework going forward. The Bank has overriding goals which, as you know, are to end poverty and promote shared prosperity. All the Bank's projects are geared towards that or those goals. In doing so, it's possible on projects to have unforeseen adverse environmental and social impacts, and the purpose of the safeguard policies or the framework in going forward is to make sure that for every project that we have, we look at that project from the prospective environmental and social issues. If there are any adverse impacts that could possibly arise, then we have to characterize those and we have to address those.

So, the safeguard policies currently and the new standards going forward, are not meant to be the panacea for everything the Bank does in terms of education, urban transport, health or whatever. They're a complementary function to those project areas.

Since the safeguards were originally drafted in their current form, society's expectations have changed dramatically, or our environmental and social awareness has changed dramatically over the years. So there are many new issues today that we need to take into account when we draft a new framework for tomorrow. Clients have progressed in their ability to manage environmental and social issues, and we have to recognize that. The Bank realizes that it has to modernize its approach in many respects. And as you know, we've been going through a large reform process which is aimed at making the bank operationally more efficient. We've learned from the lessons or we're learning from the lessons of the evaluation report that was carried out in 2010 by the IEG group internally. And also in the first round of stakeholder consultations, we heard from stakeholders very much so the need to modernize the Bank's approach and to deal with a broader range of issues.

In terms of Phase 1, we held discussions around the world, which were very much in abstract. They were in relation to the existing set of safeguard policies and we were asking people to give us observations on those current safeguard policies and what new issues we would need to look at going forward. During that Phase 1 period, we had many, many written submissions from all sorts, all aspects of civil society, from governments, academia, etc. We also had a number of expert focus groups, listed here: Land tenure and national resources, indigenous peoples, labor, occupational health and safety, climate change, human rights and disability, gender and other aspect of vulnerability

We also had dedicated meetings with the indigenous peoples' communities around the world and also with project-affected communities. We've also benefited from a lot of work that you've done as CSOs. Brian is here from IAP, and they've done a lot of work with communities to see how communities are actually affected on the ground, and our thinking has been very much informed by the work of many of you.

Now we heard that we should look at a host of issues, ranging from animal welfare to disability to LGBT issues to climate change and so on. And some of the biggest areas of concern were in these areas listed on this slide. Firstly, in terms of indigenous people, that we should consider introducing free, prior and informed consent, that we should address better human rights and the principle of nondiscrimination in our projects. We should address labor concerns, that we should broaden the coverage of safeguards to cover other Bank instruments, that we should cover a broad range of issues of some would see it vulnerability, and we should also take into account the fact, as I mentioned early on, that the countries do have, many countries do have capabilities to manage environmental and social issues, and what we heard from many countries is, don't come along and simply superimpose your Bank requirements and standards over us. Why don't you have a look to see what we have in place and, where possible, why don't you use our existing legislation, competent authorities and processes to give

you the output, the safeguards that you would like to see on projects. And so we've been trying to build that into this framework as well.

We've also heard that the Bank needs to get much better at monitoring and supervision, that there's been too much focus on getting together documents, frameworks up-front before the Board, but less emphasis on looking at how people, communities, the environment are actually affected on the ground by projects.

Now going forward, as Stefan has mentioned, we have a period of consultation ahead of us. And this period of consultation, which has just begun, is very much enriched by the fact that we now have a draft set of documents on the table to discuss. So rather than having abstract discussions, which we had in the first phase, we now have the opportunity to discuss in detail some text on the table.

And this week, I know you've all been very busy in meetings, as have we. We've had many meetings. I know, looking around the room, I've met with many of you many times and we've been able to talk about some of these issues. So the process of discussion is just beginning. And already this week we've learned of a number of areas where we need to change the text, provide further clarification and so on. So I just want to emphasize, as Stefan's mentioned, this is an ongoing process. This draft is not cast in stone. We can make improvements, and with your help we will make improvements.

And as we go forward, we will have dedicated discussions on a number of areas. We also build on some of the existing meetings that are out there, for example, the Civicus meeting, which I will be going to with a couple of colleagues in a couple of weeks' time. Yesterday we were talking to people from the LGBT community about some of the meetings that they have coming up, and we'll be attending those meetings as well as have meetings with people from that community around the world in a safe environment. And we're talking to representatives of the community about how we can meet with them in the countries around the world in a safe environment, and I think you know what I mean by that.

The process of consultation will continue, not just on this draft, but on the subsequent documents that we produce. What we're talking about right now, and you have in front of you, is the framework, which, as I'll comment to you in the moment, talks about what the Bank is required to do, but also the 10 areas captured in the standards, which we require borrowers to address. And then underlying those documents, we will have to produced more mandatory requirements to touch on detailed aspects of resettlement or stakeholder engagement or how we deal with biodiversity issues, so there will be more material that will be coming out that is mandatory in nature and some that will be tools and guidance later on that we would hope to have your input on.

Now the framework, as Stefan mentioned aims to benefit all. It's meant to benefit communities by providing them with a broader range of issues covered, better social and environmental protection through a broader range of issues considered in our appraisal processes. It's meant to deliver better development outcomes on the ground through focusing more on how actually the people are affected on the projects. We hope to be able to manage issues and bring about more development outcomes on the ground in that way. And also, I think it's a very crucial point, these documents are much more detailed in many respects than the existing LPs and DPs, and with the subsequent documents that will be produced, the directives and so on that we will draft, these present much more clarity on the role of the Bank and the borrower, and they present enhanced opportunities for people to hold us accountable because it's much more clear in these documents about what the Bank is supposed to do and what we expect of our borrowers.

So the framework builds on the existing safeguards, preserving the core values in them. It's taking a modern approach. It's addressing more issues that were previously covered. It's taking a risk-based approach, which means that rather than focus on whether a project ex ante is A or B or C, what are the actual risks associated with that project to people and the environment and how might those risks change over time. And that's a key element of our approach here. We're actually looking at the riskiness of projects over the long term, not just before Board, but through the life of the project. So if issues arise on projects during implementation, we will raise the risk rating. And what that means is, we will pay more attention, we will divert more resources to working with the borrower and to affected communities and to the environment to make sure that we deal with any issues that are arising.

The outcomes-focused approach, which I know many of you have also stressed in the documents that you've submitted to us, some of you have produced detailed drafts on how we should look at safeguards on issues, for example, on climate change, and those documents have built into them the idea that we have to have a more outcomes-based approach going forward.

I touched on the range of social and environmental issues that have been broadened, and I'll come onto those in the next slide. I've also already touched on the clarity. What's also important here from the borrower's perspective is that the draft documents allow for a greater degree of harmonization with other financial institutions. Now what that means is, not that it makes our life easier, but it means that borrowers, who often have limited resources, don't have to deal with a multiplicity of different requirements from different borrowers. Because our requirements are becoming much more aligned, it's much easier for borrowers to deal with lenders than has been the case in the past. And many have raised this issue

of the resource aspect of trying to please many different borrowers, as they see it.

The final point is here that we are looking at our relationship with borrowers through a partnership lens. We are learning from the mistakes of the country systems approach that was undertaken previously, and we're recognizing that at the project level, it's very important to see what the borrowers have in place in terms of their legislation, their competent authorities and their processes and where those can be used to give us the environmental and social outcomes we expect on projects, then we will use borrower systems. But the important thing here is, we also need to look at the track record on the ground. So, how have these things actually been working? It's okay just to look at the legislation and look at an organogram of how things operate, but how has this actually worked on the ground before we decide whether we can work with a borrower framework or not.

Now in terms of the framework structure, it's a hierarchical set of documents. We have the overall vision statement, which articulates the Bank's view and values with regard to a broad range of sustainability issues. It makes the linkage to other areas of the Bank's work. The Bank's done projects in many areas covered by the safeguards, safeguarding, protecting the interests of the LGBT community in Latin America, for example. Below the level of the Bank policy, we'll be developing these detailed, mandatory directives which address very specific areas that are covered in the policy and also the standards.

On the borrower's side, the 10 standards will be matched with more detailed mandatory requirements, covering areas such as how to do a socioeconomic survey, how to take into account climate change and adaptation issues on projects, and many of the tools and materials that some of you have developed, frankly we will be drawing on those to prepare these detailed directives and tools. And then we have the procedures, best practice notes and so on. And there'll be very strong commitments, a very huge effort to provide internal capacity building to our own staff in rolling out this new framework and also to work with borrowers, CSO and others to understand the framework and to make sure that it's implemented on the ground.

And what binds the borrower and the Bank is the legal agreements, and in terms of environmental and social issues, what we're proposing is there will be an environmental and social commitment plan between us and the borrower, which will capture all the actions that a borrower needs to undertake to address the environmental and social issues. It'll deal with any capacity building issues that are needed on projects as well as any physical actions. And that is a legally binding document. We have an opportunity to disclose this document as it evolves from the very earliest instance, at concept notes, right through as appraisal is carried out, as detailed environmental and social studies are carried out, and highlight actions that

need to be addressed. Those can be built into the commitment plan. So it's an evolving document that we will increase in complexity through our appraisal process before we go to Board, and you will have an enhanced opportunity to look at that document as it's evolving.

What's important about this commitment plan also is that it's a living document and we can change it, after Board approval, during the implementation stage. So, if unforeseen circumstances arise on projects, if some changes need to be made to a project, like a small micro-alignment changes on a road or whatever, those can be reflected in changes in a commitment plan.

Now the Bank's role and the borrower's role stay very much as they have been in the past. Borrowers are responsible for implementing their projects. Largely sit in Washington and country offices. Bank staff do not implement projects. Borrowers have always been responsible for implementing their projects, but the Bank works with borrowers and helps borrowers in that respect. What that means is that in some countries, conflict and fragile states, for example, we are working hand-in-hand on the ground with our borrowers to help them carry out the environmental and social appraisal, to develop management measures to address environment and social issues. That means that in some projects we have people on the ground for weeks, months on end.

Recently for a large hydro power project, three people from my department were working with the borrower to help them deal with the environmental and social impact assessment and bring it to a stage where it would be fit for the purpose of public consultation. So we will work with borrowers as much as we need to help them meet their requirements and our expectations within this framework.

Now the draft, as I mentioned, is mentioned to cover, to address all the issues that we've heard during the first round of consultations and outreach. And we just picked out some of the issues here.

We've introduced free, prior and informed consent, which is a major iconic demand, as many of you know, from the indigenous peoples communities around the world.

We're building in the requirement, the need to address children's issues, and when we develop the more detailed directives and tools, you'll see that many of the elements of guidance that you provided to us will be covered there. We need to look at how children might be affected in health projects, access to education. We need to look at food security and how that affects children. We obviously have to look out for and prevent child labor. There are many areas where children issues need to be addressed, as there are other aspects of vulnerability such as the aged will need to be addressed.

In terms of labor issues, we've introduced a new standard, but as Stefan mentioned, I know many of you have raised, this does not go far to address many people's concerns and demands, and that's something that we are obviously discussing, and I'm sure this will come up later on today.

We've introduced the principle of nondiscrimination of our projects, which means we don't want to see people discriminated against on our projects, whether it's in terms of them being disproportionately affected through project impacts or in terms of benefits arising from our projects. We want to see an equitable approach, and we will be looking for systemic issues of discrimination in our due diligence.

Similarly in terms of disability, we need to build into our environmental and social appraisal process the need to look for disability concerns and make sure that they're reflected in our project design.

Gender is a huge issue. The Bank has done a lot of work in gender, and I know many of you have some concerns about the current wording in the draft, that you don't think it's strong enough in terms of gender. We have a very strong commitment to gender, and if it's not clear in the draft, we'll make it much more clear, but it's very important for us that gender is addressed in our social and environmental appraisal of projects and managed appropriately.

I've already touched on LGBT/SOGIE issues. Again, it's very important that this is addressed in projects and where we find that the issue of discrimination or some other element, benefit sharing, arises on projects, we will deal with it in discussions with the LGBT community on the ground in those countries where it may arise.

In terms of instrument coverage, the Board asked us to review the safeguards as they apply to investment projects, and that's what we've done. There are retrospectives that are looking at the other instruments, policy lending and PforR. Those retrospectives will be looking at environmental and social issues, and we will learn from any issues that arise from those studies, which will be carried out in the next few months.

We've also very much strengthened our approach to stakeholder engagement. We've produced a standard alone on this issue. We've highlighted the importance of disclosing information, not just before Board, but through the life of a project then. There are much stronger commitments from our side and the borrower's side to disclose information to borrowers and consult with them through the life of a project in a culturally appropriate manner. And we've also built in a stronger requirement with regard to grievance mechanisms on projects, throughout the project life cycle.

In terms of human rights issues, the environmental and social appraisal process is much more broadened in this current draft and addresses all the key areas of human rights concerns.

In terms of biodiversity, we've taken the existing operational policies on natural habitats and forests and broadened the scope of coverage to address all habitat requirements.

We've introduced the standard on pollution abatement, which it also addresses climate change and resource efficiencies.

We've introduced a risk management approach, which is built into the Bank's overall risk rating methodology, which requires us to look at the riskiness of projects, elements of risk and manage them accordingly throughout the life a project.

We've built in a stronger focus on supervision and compliance, which is also risk driven, as I've said, where we need to put more resource on projects to manage issues, we will put more resource and help borrowers to address issues.

And the draft provides much more clarity on what we are required to do, what we commit to do as a bank, and what we expect of our borrowers. So there is much more ground to investigate that from an accountability perspective the was available in previous documents, where it's often been a fuzzy line between what the Bank is required to do and what borrowers are required to do.

And now I'll hand back to Sumir to take us through some of the more complex issues. Thank you.

Sumir Lal:

Thanks, Mark. So, I think with that we can launch straight into the discussion and hear your feedback and your questions. As I said a little earlier, we'll try and do it thematically so that we can go as much in-depth into each of the issues that are of concern.

The way we'll do it is, if you have a question or a comment, to please line up at these microphones, and if you're unable to do so for any reason, then we'll have a microphone brought to you. I'm told that there are people outside, there's an overflow where people are listening, and if anyone there has a question to ask, you can walk in and also start to line up behind these microphones.

So thought that the first one we'd start off is the whole set around nondiscrimination and perhaps have Mark just explain in a few minutes what had been intended in the nondiscrimination standard and then have your questions on that.

Vince McElhinny: We'd like to ask a couple of questions right off the bat, if it's okay.

Sumir Lal: On overall process?

Vince McElhinny: Overall process.

Sumir Lal: Okay, yeah, sure.

Vince McElhinny: So, I'm Vince McElhinny. I work with the Bank Information Center. I see a lot of people that I know from the Bank here, and I think it's important to understand for those of us who have, as Mark said, contributed detailed contributions to this process, we'd like to make sure that you guys understand that we don't see this as a consultation at all, and I'll just make a few points on why we don't think that's the case. We certainly don't see the vast majority of what we submitted reflected in this draft, and it gives us a lot of hesitation to believe that that will change going forward.

You had a couple points about coverage, scope. We're utterly baffled by why you still continue to maintain the position that there should not be uniform coverage across all the Bank's instruments. We're patiently following a case right now that's winding its way through the political channels of the so-called accountability process used in the Bank that we feel perfectly illustrates the reasons why that's the case and why it's a mistake. This is a fundamental flaw, among others, of the draft that we're intending to consult, so to speak.

We don't believe that the Bank can implement the policies that it has. We even have much greater doubts, from what little we've seen, that it can implement the policies that are implied in this proposal, yet we don't see any resource-related aspects of how that can change, despite having asked for it for over a year – another missing element of why this can't be called a consultation.

Finally, we've even advised in discussions with the highest levels in the Bank that we should stop using the word safeguards. We should start using the word standards. When we were told that the only thing that would happen on July 30th was the authorization of this draft for consultation, it seems like some people have taken on board that we have already moved forward with adopting this draft. So, at best, I think this can be called a very incomplete information session, but not a consultation. And so let's be careful. We have pointed out on a number of occasions why we think President Kim has broken one promise to us about not diluting this. So we should be careful about calling this a consultation to make matters worse. Thank you.

[Applause]

Peter Bakvis: Yeah, my name's Peter Bakvis. I'm with the International Trade Union Confederation. Stefan Koeberle, in his introduction, invited comments on the process. I'm happy to come back on the specific labor issues later, but on the process, he mentioned the first multi-stakeholder consultation that took place in Tbilisi, Georgia, two weeks ago, I think was the 25th of September. Now, if this is an indication of the kind of consultations that the Bank intends to hold, I think we can be deeply skeptical about how broad a range of views are being sought. We have an important mission as we represent 176 million workers organized in national organizations in various countries, quite a strong one in Georgia. GTUC is its English acronym. We learned with a few days' notice that this was taking place. It was, I think, put on the World Bank's website perhaps a week before it actually happened. Our affiliate contacted the local World Bank office about participating. They were told they were not invited, they could not take part. They finally were able to take part by appealing to government authorities, to various international organizations, that they took it upon themselves to contact the Bank to say there's no reason for excluding this organization.

So if the intention is to hold consultations with a select group of CSOs that perhaps have no major beefs with what is put forward, I think that's totally deplorable and that that doesn't meet anybody's standards of a proper consultation. So I'm happy later on to get back to the labor issues specifically where I'm sure they raised issues with you, and I'll do so myself. Thank you.

Carla Garcia Zendejas: Good morning. I'm Carla Garcia Zendejas from the Center for International Environmental Law here in Washington. I have a specific question about the inclusion of international law in the actual draft. It's peppered in a very light way and not in a very, there are references to it in some of the ESS, the safeguards, the standards, as they're called now. But the only place where the names of international treaties which appears is in the pollution prevention area possibly. Montreal is mentioned, etc. So why can't we just mention ILO 169? Why can't we mention the UN Declaration on Indigenous Peoples? They are there. They are standards, they are international standards of law that clearly countries have signed on to and that we can include and that immediately sets a level on a specific issue. Why isn't it possible to just include in the many areas?

Sumir Lal: Okay, we'll get back to that. Is this also on process, because we'd like to carry on?

Jocelyn Medallo: I'd like to ask my question. It's not on process, but it's on a general issue, but I'd like to ask it still.

Sumir Lal: Okay, so what we'll do, let's get back to the way we had stressed. First of all are the people, who made the points on the consultation and the process, we've heard you. This is the start of the second phase. As we go through the phase, it's our own intention to make sure that it is, at the end of the day, a

process that meets our own standards of what a consultation should be, so I hope that as we go through the phase, you'll feel, you'll have a bit more faith in what we are doing.

In terms of the specific questions, I think what we are trying to do is go through where we heard a lot of the feedback and the criticism, so let's go through those topics, and we'll keep space for any questions that haven't got covered in any of those topics.

So if that's okay.

Jocelyn Medallo: Yeah, we'd like to make comments now.

Sumir Lal: Yeah, we'll take, okay, why don't the two of you make those comments, but then let's just proceed. We've got a lot of people waiting to ask questions on specific topics.

Jocelyn Medallo: Thank you. Well, first, we want to make a comment about human rights because I think this is central to the framework. I have to disagree with the comment that the draft helps borrowers meet their human rights obligations. I think the draft is weak on human rights. It's placed in a section that's non-binding and enforceable. The draft doesn't provide how the Bank would actually operationalize these commitments through human rights due diligence, for instance.

You raised the issue of FPIC, that it's great, but the draft allows countries to opt out of applying indigenous peoples safeguards. This is a huge carve out and exclusion, and it sets the precedent that human rights is optional or discretionary, and that's not the message that this Bank should be sending. So the approach to human rights is inadequate, in our opinion. It doesn't protect the environment in communities the way we should be doing as we're looking forward at what the Bank should be doing in the next years. And it's certainly not good for the world's premier public institution on development.

So my question is, will you commit to supporting, will you commit the Bank to not supporting any activities that cause, contribute to or exacerbate human rights? Or are you going to help create these enabling environments where human rights are violated?

David Pred: I'm David Pred with Inclusive Development International. I have a comment about the overall framework that Mark presented, and I want to focus on nine words in the draft, in the policy, which I think are really the root of all evil in this draft. And those nine words are: in a manner and timeframe acceptable to the Bank. These nine words serve to turn the Bank's 34-year commitment to do no harm, through rules that are binding on both the Bank and the borrower, into a set of aspirations, and it gives Bank, staff complete discretion to decide when, how and if borrowers are compliant.

The problem with giving World Bank staff such unbelievable discretion is, as the 9,000 men, women and children who were forcibly evicted and left homeless by the Bank and the Lagos state government in Bariga East will tell you, all the incentives at the World Bank are lined up against doing no harm. They're lined up in the direction of what is doing, what is politically expedient. So the convergence of that total discretion that is granted in this draft with the very problematic incentives and accountability structure at the World Bank, we believe, is incredibly dangerous. And that's why we want to see the Bank maintain its commitment to rules, to compliance with those rules, and ensure that those rules are binding on both the Bank and the borrower. And we want you to delete those nine words. Thank you.

[Applause]

Obang Metho:

My name is Obang Metho. I'm from the Solidarity for a New Ethiopia, and I would like to allude to what David said before me. When we speak about the process, that means the participation of others. When we speak about consultation, it's the decision and participation of others. What we see in the draft seemed to say that the safeguards, we will hand it to the borrower. I'll go back to what David said before me. World Bank is not like a Wal-Mart. Wal-Mart can do whatever they want to do. The World Bank, there's supposed to be consultation of the people. That's why we are here. And I would like you to look at us, as civil societies; we are not against you guys. We are not against the developments, but we are against when that this is done to harm other peoples. So my point, what I'm trying to say here, if the safeguard we are going to give it to the borrower, I'll go back to my point and say, consultation and process is participating of the people. The country where I come from in Ethiopia, the government claimed that they win 99.9 percent, that's 99.6 percent. Do you think that in a country like that, is there any process? In the [unclear] of the country, out of 547 seats, there's one Oromo position. Do you think there's consultation there? And if you think that, we need the participation of the civil society, and in Ethiopia it's against the law for civil society. In Ethiopia, just one journalist who wrote as a blogger that what Ethiopia is afraid of most is not the terrorists, but they are afraid that they will not have the food to eat. She's locked up in jail. So now when we are talking about giving a safeguard to other people, what about those countries who don't even acknowledge the safeguard of their own people? How do we make them accountable? Because in those kind of environments, accountability doesn't exist. Rule of law doesn't exist. Good government doesn't exist. The values the World Bank stands for don't exist. So in other words, instead of helping the people, it's hurting the people. Instead of creating, put security, credit cost and food insecurity, so in other words, I just want to leave it at that. We, as the civil society, would like to have a guideline that protects the well-being of the people. So let's invest in the human rights and the human dignity rather than those people who will harm the people. Thank you.

[Applause]

Samael: Morning. My name is Samael from [unclear] Nation.

Sumir Lal: Yeah, good morning. We'll hear you, and then let's get the panel to respond to this set, and then we'll continue. Continue, please.

Samael: Stephanie will translate to all of you.

Samael: [Speaking Indonesian]

Interpreter: Initially, I hoped that this meeting would be preceded by the provision of many detailed documents for us to read. I noticed that yesterday and last night there were documents, almost 60 pages of documents, posted onboard that were actually quite critical for anything that would resemble a consultation. Because of that, I consider that we can absolutely not consider this a consultation. I attended the consultation or the meeting in Jakarta that Charles also attended, and at that point also, that was, I think, in 2012. At that point we made the same, we had the same finding, that the provision of documents prior to the consultation is of the utmost importance. This is also a, this late provision of documents in English is also connected to the proposed consultation in Indonesia that you have on your calendar for December. And I hope that you will certainly be postponing that consultation, because we ourselves need a very long process in our own language in order to understand these documents and to be able to provide any meaningful input. Okay, thank you.

Sumir Lal: Okay, thanks. So what we'll do is, let's respond to this set of observations and comments, and then we'll keep receiving in which way you all feel is the most effective way to proceed.

So, there was a set on international law and human rights, which Charles might want to answer. And then the questions about the overall framework, the amount of discretion that's been given to the Bank, and then another question on what we are really handing over to the borrower and how do we make accountable those countries where protections are weak. And then there was this last comment, again, on the consultations.

So maybe between Stefan and Mark on the overall framework and the question of the Bank and the borrower. So, Charles, would you like to start?

Charles Di Leva: Thanks, Sumir. So, Carla and Jocelyn, I'll introduce you to the audience, from CIEL, both had questions on international law and human rights related issues. One very simple question to answer is Jocelyn's. Are we creating an environment where human rights are being violated? And the answer is very simply, absolutely no. Mark listed on the two slides that went into detail, which demonstrate, I think we are fulfilling the commitment we made in the approach paper to be socially inclusive. And by doing that and

by identifying and putting in systems to protect all of the groups that have been identified in this set of safeguards, that were absolutely absent in the prior set of safeguards, we have created a socially inclusive agenda that provides human rights protection for all of these groups that were prior to this point, invisible in the system So the answer is very clearly no.

When it comes to so-called peppering of international law in the current framework, what we've done is broaden the coverage of international law. Previously, the only references to international law were international environmental law. And we had a discussion about whether we should refer to ILO Convention 169, as Carla referred to it, and the answer was something that I learned when I worked for the UN Environment Program in 1989. There are literally hundreds of environmental treaties. There are hundreds of other treaties in the world. All of them are relevant to development. And maybe a lot of those will need to be identified in guidance documents to help us do projects the right way. But the idea is to be sure that we capture those issues through a good environmental and social impact assessment. And I think what you can see is that most of the other multilateral development banks indeed do pepper some of these treaties, but they're never completely comprehensive to the full range of international agreements that exist. So, indeed, we made a conscious effort to make sure that we captured the principles, but not put in place a series of conventions, which, you know, we all hope that once these standards are adopted, they will stand the test of time. And conventions change over time, there's decisions that change over time, and then our Board and our system would react to a series of decisions outside the scope of the Bank's mandate. So I think the rationale was very clear for why we took this particular approach.

Stefan Koeberle:

I know there are lots of people waiting to ask questions and many more comments, so let me just be extremely brief. So we hear you very much on the process. As you know, this is work in progress. We are posting drafts as we develop them. We don't sit on them for weeks and months. We produce them and then put them out for discussion. We very much hear your inputs and value them very much. As Mark explained before and as we mentioned, what we have put forward is the framework. Under that will be directives, there will be procedures, and there'll be toolkits and guidance. Many of the inputs we've received pertain to values and principles, which I think we've reflected. In the work that you'll be seeing over the few months, the next few months, we'll be drilling more into the process, and many of those submissions we've also received focus very much on the process part of this, and I think we'll make ample use of all the material that you've submitted. And we'll be very happy to put drafts out in the future as we develop them and give ample room for discussion because we want to hear from everybody, and we'll take the time it takes to hear from all of you. So thanks.

Mark King:

Just to add to what Stefan said, I don't really care what we call this meeting. I think what's important about this meeting is that it's valuable from our perspective, because we're hearing from you. We're hearing the concerns that you're raising here. It's like a plenary session in many respects. A lot of us have met all week talking about different issues. So this is an opportunity for us all to come together with colleagues that are listening on the Web and have this broad-ranging discussion. So that's what I take from it. It's a valuable conversation that we're having.

In terms of the consultation process, we hear what you're saying about meetings such as Tbilisi, and we need to learn from that. We certainly will have a conversation about that later on today. It's important to remember that these meetings in country are also meetings for government agencies, for borrowers also to participate in, so we're trying to reach out to those as much as to the CSO community.

Now, in a manner and timeframe acceptable to the Bank. Every project that we do is different. We have projects in many countries at different stages of development. Some of them are comparatively rich in terms of their resources – financial, technical – some of them are very poor and need a lot of help. Some of them need a little more time to meet our requirements than others, and we have to be mindful of that. We have to be client-focused. So what we mean, when we say, in a timeframe and manner acceptable to the Bank, is yes, we need to be mindful. That doesn't mean we give endless latitude to borrowers to do what they want when they want. It means we have to take a responsible approach, and where they're asking for some latitude and need some latitude, we should be prepared to consider that. But when I say consider it, what I mean is that needs to be done in an open, transparent manner. That will be disclosed in project documents, and you will have the opportunity to comment on things such as "in a manner and timeframe consistent to the Bank". When we propose something, you will all know about that, and you will have the opportunity to comment on that and question us and say, well, actually we think something can be done in a much quicker timeframe. And we can have a debate on that around specific projects, but to try and generalize in a set of 10 standards scenarios that cover every possible project in every sector around the world is a very tall order. And that is what has caused us many problems in the past because the past documents, the OPs, have been very generic, and it's been very difficult to determine if someone has been complying or not and what is actually meant by a certain sentence. So we try to be very clear in these drafts.

Timeframe and manner consistent or acceptable to the Bank also means that we have to exercise our own professional judgment within the Bank and be held accountable to that. When the President talks of taking smart risks, this is what it's about. It's us taking a decision based on a discussion with a borrower about how and when they will do something, listening to

the views from stakeholders and then being held accountable for that. That's what it's about.

My colleague from Ethiopia mentioned issues there around stakeholder engagement and the political fabric of some countries. Now I don't want to get into politics, but what I do want to say is that it's very important to us, and it's covered in ESS-1 and ESS-10, in particular. It's very important to us that we have meaningful consultation on projects, that we disclose information to people and we discuss with stakeholders. So that means actually listening to stakeholders on the ground and making sure that we can have conversations with stakeholders in a safe way so that they're not discriminated or persecuted for discussing things with the Bank. So this is why we have this project-focused approach. So whatever's happening in the rest of the country, in our project it's important for us to have meaningful and valuable discussion with people.

Sumir Lal:

With everyone's permission, can we move, should we move into the whole set around nondiscrimination, vulnerable groups, human rights and have a set of questions on that, if that's okay with everybody. Can we bring a mike to Mohammed here?

Mohammed Loutfy:

Good morning, everyone. Thank you for the panelists and also thank you for my colleagues from civil society for their valuable comments. It's very hard for me to speak today with a tone of criticism just because we know there is an advancement on the level of integrating disability into the safeguards. My name is Mohammed Loutfy. I represent the Lebanese Physically Handicapped Union and the Disabled People International Arab Regional Office, and I would like to focus on this, but on the aspect of disability, since we're talking about nondiscrimination standards within the safeguards, but I would like to tweak my points to be more helpful and practical as well concerning what we need to discuss today.

My experience as a former staff member at the Bank as well that World Bank staff members are very concerned about time. They are pressured by trust funds and by the administration that they need to finish projects on time. Governments also put lots of pressure on the implementers of projects that they need to finish things on time.

Yes, we understand the timeframe and manner standards are very important to keep people in check. The problem is that this is really diluting the quality anticipated from projects run by the World Bank. For instance, this is influencing disabled persons because if we want to just, you know, focus on finishing projects on time without taking into account the quality of the results of these projects, this might really harm persons, vulnerable groups, disabled persons, etc. Just because there is a lot of quality checklists of projects, we don't see that reflected through the safeguard language that we have now in our hands.

So my recommendation or my suggestion is that maybe we can improve this statement of manner and timeframe acceptable by the Bank just to make sure that the Bank has a commitment toward improving the quality of projects that would definitely improve opportunities of inclusion and accessibility of projects. So this is one point.

The second point is about there is different places or spots in the safeguards that says “as appropriate”, and this is particularly mentioned when the Bank gives the chance to governments or borrowing countries to decide on pursuing different standards or mean just something that would be more compatible with their legal standards, national legal standards. This is important. I mean, this is very understandable that the Bank wants to respect governments’ sovereignty, national sovereignty and the context, cultural context. This is very important. I’m all for that. I’m an anthropologist and I really like that. However, there is no clear identification for how this is going to happen. Who’s going to decide on what is appropriate and what is not appropriate? Who is going to be responsible for monitoring that, yes, national legal frameworks pertaining to issues that we want to see in the safeguards would not, by itself, cause harm for vulnerable groups, won’t be exclusive in the sense that persons with disabilities, for instance, would be out of this process? The quality of projects, if we want to give a chance to governments to do this would not be, issues of inclusion, for instance, would not be taken into account. So we need to see this clear. The problem is sometimes the Bank, I know because you want to be flexible, you want to, you write your documents in a somehow vague languages. We need to, I mean, you can keep your documents, but we need guidance, we need to see more binding guidance attached to these documents.

And the last point, how is this going to be financed? Financing is not clear, the financing mechanism, the financing policy, the budgeting policy of the implementation of the safeguards is not clear. And how are we going to keep this consistency of language we want to see about inclusion and the respect of human rights and accountability of governments and the World Bank and whoever third party involved in this, how are we going to see that also reflected through the financing process of the implementation and the monitoring and the evaluation of the safeguards? These are my points. Thank you very much.

[Applause]

Sumir Lal:

Thank you. Yeah, let’s move here.

Female Speaker:

I’m [unclear name] from Egypt, the Indigenous CLR [unclear]. Allow me to talk in Arabic because this is the language that you’re going to hear when you work or consult people in my country. So my friend will translate here. [continues speaking in Arabic]

Interpreter:

It's nice to hear Arabic. We'll not stop speaking human rights. These [unclear] means that we can use to improve our situation of our peoples. You provide opportunities for people to participate in this process and call them as beneficiaries, but we call them rights holders. Actually, you don't listen to these people properly because they are absent in this process. For this reason we asked for long to include these safeguards, the human rights aspects and terminology. Without this terminology in the framework of human rights, the governments will be more suppressive and oppressive to the peoples. We know you mean well, but this is not enough to improve our situation and to create a new world. Thank you.

[Applause]

Rayyan Hassan:

Thank you for the time. My name is Rayyan Hassan. I'm the executive director of NGO Forum on the Asian Development Bank. We've been monitoring the Asian Development Bank for a long period of time in civil society, and you've already heard, I think, most of our stories for the past few days of consultations that have been going on, and you've heard the good ideas. There are good practices there in terms of better safeguards standards in the Asian Development Bank. The language is good. I won't say it's good for everything. The labor standards are not very good at the Asian Development Bank. Take a note. You don't want to copy that. There are better ideas elsewhere.

But the 120 days the previous speaker talked about in terms of the 120 days period of time you get in the public comment section for environmental impact assessments is absolutely vital for countries like Bangladesh, Laos, Sri Lanka. Those 120 days matter. You have the resident missions in the capitals, the projects are in the provinces. Those 120 days means you've got to translate the material, they get feedback, it comes all the way. It makes a difference. I understand you guys are under enormous pressure. The financial flow behind you which needs to get out has its own gravity, and you're precariously poised in trying to make sure that the world gets protected. I understand the responsibility when you guys write. This draft framework is, not satisfactory, to say the least. It's a death sentence. People are going to die from it. I think forests are going to be destroyed. Indigenous people, I don't know where they're going to end up. What you choose to do next will echo forever, so choose wisely.

[Applause]

Jessica Rezin:

Thank you. My name is Jessica Rezin from Oxfam. I echo our colleague Rayyan's comments very strongly, and I also appreciate the role of the safeguards team and hard work that it is from your side. But I am a bit surprised to hear the comment that it doesn't matter whether this is a consultation or a conversation. It would surprise me if in the World Bank's principles on consultations there aren't certain expectations that go with that, which is the release of documents early. ESS-1 was released yesterday,

and we've been asking for that, but to do it a day prior to the consultation I don't think would fall within the principles and also not to provide hard copies for this. There was a comment that there was a concern about carbon footprint, about printing, which I again appreciate, but to note that other sessions at the World Bank have hard copies, publications produced specifically for the sessions. So it is a bit surprising. And while we want to engage meaningfully, we question whether we can actually do that unless there is a better process of meaningful consultation process. Thank you.

[Applause]

Sumir Lal: So, I'm sorry.

Sid Taylor: Hi. Sid Taylor with Oxfam. Apologies from me. I hate it when people go off-topic when you're trying to moderate. I've experienced that.

Sumir Lal: Let me just come in here. I think what we'll do is that we'll, so we won't try to structure it issue by issue. I think let people just say what they have to say and people will honestly speak and we'll go over that.

Sid Taylor: I think there's a lot that people want to say. Appreciate that. I'll be very brief. Just to, I guess, rephrase what colleagues have said, in particular, Vince and David. I do want to come back to those nine words. And I remember a negotiation that we had on resettlement almost two years ago at WRI, and there was a lot of discussion back then, when a lot of this was in the abstract, about making what's implicit explicit, and I think we realize that that's where development is sort of won and lost, right. You need to have these metrics and you have these protections. I think that's why it's really fundamentally important that we make sort of very explicit statements rather than having discretionary processes, number one.

And number two, sorry, I should have kicked off with this. I do really appreciate your engagement. I do want to echo what Rayyan said. You guys have one of the hottest jobs here, and there definitely are some positives in the draft. We've talked about that at the start. And we welcome your particular engagement. But I wish, the reason why you're hearing a lot of anger in the room, you know, I wish that the people that we need to communicate the message and this resentment towards were sitting here. And you guys are sort of in the front here. Throughout the week I've been very disappointed, and we've been very disappointed with constituencies of the Board, with certain staff members, with government ministries in conversations that we've had, who have just very blithely said, we need to get away from rules and safeguards. We need to get towards more principles approach. And despite what we're hearing here very constructively, that gives us a great cause for concern. Particularly, we've had the first phase of consultations, and I do want to come back to this, where we've had expert groups, you know, Oxfam was on the landline, and

some really great constructive work was done there. A lot of that, unfortunately, got lost along the way in not making the implicit explicit.

So I just want to say that the reason you're seeing a lot of this anger and resentment is because, as Rayyan said, this is a critical moment right now. If this was Phase 3, we'd be in trouble. So, you know, we're very eager to engage in the next phase of the consultation and get this right, but that signaling, too, like I said, I wish we had certain constituencies of the Board here, I wish we had some of our colleagues from IFC across the road who have recently demonstrated how some of the rules, even when there's hard and fast rules, they still get ignored when even a fraction of subjectivity is required. So I just think it's just critically important that that is communicated, we're being telecasted right now, to those members higher up that this is a moment and it's a line in the sand sort of moment to get this right. So, just want that to be communicated. Thank you.

Sumir Lal:

Thanks. So, as you heard, we'll just keep going spontaneously. I think that's the way the energy of the room is. So, if you like, we could give some responses. Now, obviously, we're not going to be able to respond to every point, because a lot of what you're telling is either suggestions or questions to which we may not immediately have answers, then we are trying to listen to improve what we do next. So, let me just ask the panel if there are any responses to some of the points you just heard. There were questions about the use of the phrase "as appropriate", questions about human rights and beneficiaries versus right holders, and several other. Answer what you can and we'll keep going.

Mark King:

Maybe I'll start off and then some of my colleagues can kick in. Mohammed, we were discussing the other day about how to take on board some of the concerns about disability issues, whether it's ensuring access during stakeholder engagement or, you know, being truly inclusive in projects. We talked about the need to have a mandatory level document that deals with this so it's exactly saying how staff will deal with, how they need to look at disability issues on projects and how the borrower will need to do that. So after this level of documentation, more detailed documentation will be forthcoming. You guys will all be involved in helping us to work on these documents. Documents that we draft will be put out for comment, and we can learn from comments you have and we can have ongoing meetings in a number of areas.

So this process we're engaged in right now, this dialogue or consultation, whatever you want to call it, this will continue over several months. And at the end of it, you will help us to develop a set of standards, directives, tools, guidance notes, procedures that address all the concerns that people have and concerns about the environment.

I hear what you're saying about the wording "as appropriate" and "commensurate", and I can't help noting that in somebody's submissions

that some CSO made to us on how we should deal with certain areas, they've also had to use those words in there as well, "commensurate" or "as appropriate" and whatever, because it is really difficult to try and capture everything explicitly always. We need to move more, as you're suggesting, from the implicit to the explicit. And that's what we were trying to do in this draft, actually. We were looking at the old OPs and BPs, and we saw a lot of implied language there, and we recall in many of the discussions we had on projects with the Inspection Panel and with others, where people had misinterpreted what sentences meant, and so we were trying to be more explicit, but obviously we haven't gone far enough in some of your minds. So help us to do that.

People might be under time pressure, but what's important is quality on projects, quality of environmental and social appraisal. So there are always time pressures in our lives and in the lives of people who work on projects, but we have to ensure, and I know staff do, the quality of environmental and social appraisal to make sure that we cover issues.

It's important to bear that in mind, too, when we think about how projects can be rolled out. If we come across projects where we see some kind of imbalance, let's say, in the workforce, where one racial group is favored over another, or one gender is favored over another, then we need to agree with the borrower how they will address that disparity over time. It's not going to happen like that overnight. You can't suddenly take a company or an enterprise where there's a gender disparity and overnight transform that. It's got to be done on a time-bound manner over a period of time that is disclosed and it's consulted with everyone, including stakeholders and CSOs. So we have to recognize that sometimes you have to allow time to deal with specific issues.

Now, the documents that were released yesterday. Those weren't meant to fuel today's discussion. Those are documents that have been put out there for people to comment on, and we'll have meetings over time, we'll discuss those and all the other documents that we put out.

I just want to say a little bit about, well, maybe before we come onto the indigenous peoples issue. I just want to see if I've missed a few things that my colleagues want to pick up on.

Stefan Koeberle:

I'll just make one point. I think Mohammed touched on an important point, which is budgeting, in essence, the whole complex of implementation. So even if it's not the policy, it's very important, I think. We fully agree with your point. This needs to be fully and adequately financed and supported internally. For those of you who were there with the NGO meeting with Jim Kim, he made that point very explicitly that he is personally committed to ensuring that adequate resources are provided to implement the policy. This is not about saving money. It will cost additional money in certain areas, for instance, in the area of labor, where the Bank really needs to build

up the expertise that we haven't had so far. It's very clear that this will cost additional resources, and the President is very committed to making sure that that gets done.

There's also the whole underlying issue of how the monitoring works, the oversight, the internal arrangements, all of those are issues that we have very much on our mind that are not part of this policy framework, but that are very important to make the policy work. So clearly, a very important point you raised.

Sumir Lal: Okay, so let's get going. But I'll also look to the room to signal to me when, if and when we want to break. We are very close to the 2-hour mark, so we could look at, say, having a break after 5 or 10 minutes. But if there is the energy to continue through, we will do that as well. Yes

Medhaji: Thank you. Medhaji from the [unclear] and know that the World Bank was compelled to withdraw. It has left behind a mess that cannot be ever managed and that this word is not here in the safeguards. When you enter any project out of the context, it may be a dam out of the river valley context, or like the Vishnugad Dam in the Uttarakhand Region of India or the Leveda Dam, and then it goes on and on and on because it becomes a fait accompli and how would you then ensure, entering in or withdrawing from that project, that what will follow is also taken care of. I think because your influence and your power, unfortunately, is so large that although you generally take us out to the argument that you're in a borrower country and we are just a financier. We know what all that means, that you influence the policies and not just the projects. And therefore it is very, very clear that we look at these safeguards, so-called, as something that is necessary because the development planning and the paradigm is distorted and perverted. If it was not, there would be no need for safeguards. The people would have planned themselves and that would be the real bottom-up approach. And what is happening is exactly the top-down approach, which is what we question in the whole paradigm of the World Bank itself. Having said that, I feel that the specifics are not being addressed at all because they were not even presented in the beginning of this so-called consultation, and that is necessary. I don't say only at the CSO level and [unclear] everything will be clear, but what is more important is consent, not consultation, and that consent cannot be from even all of us. We are representatives maybe, advocates maybe, but the real consent has to be from the community. That FPIC you are giving an option, too, which is very, very unacceptable. And FPIC now is no more cannot be restricted to the indigenous people alone. Well, we work for the indigenous people, we know that more and more communities in every single country is joining the category of indigenous because everything is foreign – the concept of development planning, the process of development planning, the instruments and the mechanisms, the fines that are coming in the form of FDI, everything is foreign, and the bankers, of course. So what is indigenous needs to be respected, and that respect will be granted only if the planning begins at that level. If you are

really not only for seeking consent of the more or less fait accompli plans and projects, then you have to ask the borrowers whether the plans emerged from the communities themselves, otherwise all priorities are distorted in the infrastructure, in the water management, in the labor reforms and laws, everything is distorted. What is very simple that could have been stated here, therefore, avoided.

I will come to the land acquisition, for example. Land is golden, no more soil in our country. Why the owners of the land have to decide what should be the land use and what should it not be? Who are the others to really plan changes in the land use in such a big way, with big rushes? That they only have to respond to, you know, as if they are the borrowers. The borrowers may be the urbans, we are the owners, the farmers, the fish workers, the tribal population, etc.

So it is very essential that forcible land acquisition. You know, at one point your document is full of contradictions. At one point, you say it's like a Bible, you just dig out, but the Bible at least has a given vision. You say that forcible land acquisition should not be there, and in the next sentence you say, but if it is, you know, unavoidable, then, that's the way.

You don't talk about reparations at all, as if World Bank is then all good and all the people are [unclear], but when you are talking about rehabilitation or resettlement, you are avoiding the clear statement that the essential resources, the livelihoods should be replaced. You are saying compensation should be given to replace the assets. That is not acceptable. Because actually it requires so much of conflict to be resolved and so on and so forth, and everything looked at from the money and market point of view. It's something that is noncash, natural resources and human power based on economies and communities are denying to accept and they are questioning. And they are the ones who are involved. You may have come into existence after World War II, but today even these wars are on, they are not just methods, and that is between the natural resources communities and the other because you are manipulating and, you know, kind of expropriating the resources directly or indirectly. I will say this because although you are attaching the safeguards only to the project-based, you know, initiations and interventions, what about your structural adjustments and all other kinds of interventions? So I agree with the first speaker that all the instruments and all kinds of assistance should be brought under one category. Otherwise, the IFC may be funding one particular project of Tata Mundra in the western part of India, in Mundra, Mr. Modi's own state, where there is no consideration of either the environment or people, but your, you know, your regional assistant from the IBRD and the IDA might have gone in infrastructure building. That is how the companies reach to the coastal areas, not otherwise. So these kinds of complementarities of the various development assistance and through the intermediaries of Forum need to be considered and taken in account.

You are, for example, funding a freight corridor. As if you cannot know, you know that 25 years plans ahead that there are going to be hundreds of kilometers reserved for the industrial areas and zones of thousands of hectares each, and that is related to freight corridor. But you just will finance freight corridor and look at it out of context – no cumulative impacts, no longitudinal impacts, no future plans to be taken into consideration – and that is where the World Bank promotes their own designs at our cost.

I also should say that you are not taking position on technologies. You know, only the nuclear power, thank God, you are avoiding, but not hydro power, not thermal power. Without an ideological position on technological choices we cannot have truly sustainable and equitable development, which is a very vague vision and goal, everyone refers to that.

I would also say that the culprits who benefit out of projects, to a large extent, when you're talking about equitable distribution of benefits. I doubt if you've every applied that and reviewed any project where World Bank is in, not was in, the site where they command areas being diverted now, denotified, so the irrigation and drinking water is bypassed or paid for to realize the objective and the benefits. So, have you ever done that, if it is to end the poverty? The main thing to be dealt with is inequity. You have not mentioned the unprotected workers. You are mentioning forced labor, bonded labor, which is an extreme situation maybe, although how it defines matters. But to the unprotected workers, 96 percent of India's workers fall into that category. And in the simple and straight, you know, underlining preconditions should be equity and the wages, equity and the land and livelihood based broader and their values, those are missing. So, I think, you know, you may already have a very broad goal stated.

And I must say that the, although you're saying that the consultations would go on. Unless there are very specific kind of positions stated and you're saying that in the rules you would take care of the details, but otherwise these consultations are going to be vague and meaningless, you know, and that's what is going on over years. And these struggles and battles outside the World Bank are also going on. So why continue with this is my question? Is there any reason that you would sit down with us and say that, okay, we would stop this loan if there is violation. The polluters pay principle, the penalty clauses are totally missing because that comes only after long, long, long [unclear], which costs us a lot. The World Bank doesn't have to pay the necessary costs because everything is an uncomfortable situation. So please include these things and then, you know, ask us whether we approve that, that would be better.

And then final is the consent of the local community. And if you go in for consent, they would say, let us plan ourselves and then we will call you. I think that would be a better way of planning it.

[Applause]

Peter Bakvis:

Well, I won't be quite as eloquent, but I'd like to address particularly the proposed ESS-2 on labor. Mark explained in one of the principles of the new safeguard suite if that the intention of the Bank is not to have borrowers be obliged to deal with different requirements from different lenders. Well, your draft ESS-2 will do exactly that. Let me say that we welcome the fact that there will be, for the first time, it's proposed at least, a standard or a safeguard on labor. The World Bank is actually behind several other multilateral institutions in that regard. IFC has had one since 2006. The European Bank for Reconstruction and Development since 2008. The African Development Bank adopted one late last year, and it's being applied for the recent years, just in recent months.

Now your proposed ESS-2 actually has two major weaknesses and two major departures from the template that was established by the other two banks. One of them is the proposal that countries be obliged to comply with the core labor standards in a variable fashion. Countries that do not fully, for example, respect freedom of association would not be obliged to comply with them on World Bank-funded projects. Now, all the other banks, the basis, the core, if you like, is the necessity to respect the four fundamental rights that have been enunciated by the ILO. The ILO is referenced in the other standards, specifically the eight ILO core conventions. They're not even mentioned in ESS-2. So I think that is one major weakness.

The other is the proposal, which we find totally discriminatory and totally inconsistent with the rest of the standard, is the proposal to completely exclude all contract, subcontracted workers. Now these are the most vulnerable people in World Bank projects. We have documented evidence of people not being paid, of child labor, unsafe working conditions, denial of freedom of association. ESS-2 would do nothing to correct that because the vast majority of the people, for example, that work in World Bank infrastructure projects are in that category of subcontracted or contracted workers. And, again, that's a major departure from all the other banks that specify that the borrower has a responsibility that subcontractors also comply with these standards. And I say it's inconsistent with the rest because in ESS-1 it's actually written, the borrower has the obligation to ensure that the standards apply to contractors and subcontractors, but an exception is made for labor. I really do not understand, I don't see any logic for making that exception. And what will result is that the, contrary to what Stefan mentioned at the beginning, is that you will have continued child labor, you will have continued cases of forced labor, you will have continued unsafe working conditions in World Bank projects because these are subcontracted workers. And I think that's particularly deplorable that that would continue the day after my good friend and colleague Kailash from India, along with the very great Malala from Pakistan won the Nobel Prize for their work on child labor and education.

So I think there are some major corrections. I do welcome the fact, which I just learned today, that the Bank tends to reconvene these special, I'm not sure how you call them, but the specialist groups that will look at the different themes. We contributed to the first one. We have no news for the past year and a half on what, how you developed this safeguard. And if the intention is to consult those people and others on improving the proposed ESS-2, we will be happy to take part in that. Thank you.

Jelson Garcia:

My name is Jelson Garcia. I'm from Southern Philippines. Last week, September 29 to October 1, more than 30 organizations, mostly from Asia, representing labor groups, gender and SOGI groups, and several other environmental and socioeconomic justice groups assembled to analyze the broader implications of the draft safeguards. And they came up with this document. What the document says, in general, is they reject this draft Environmental and Social Safeguards Framework for a number of reasons, but I just want to highlight a very, very important paragraph why they are rejecting it.

The draft safeguards demonstrate the stand of the Bank that it is more than willing to retrogress instead of taking accountability for its actions. The draft clearly positions a schema for offloading Bank responsibilities to borrowers and financial intermediaries. It also allows the World Bank to escape even the basic human rights standards and environmental obligations applicable to borrower countries. Don't get us wrong, we uphold national sovereignty, we uphold the national interests, because at the end of the day the government should have to take ownership of development programs. However, don't choose the national sovereignty as an excuse to provide overall latitude to the government, and that means delegating your responsibility to the borrower. Why? Because while we recognize that there are a number of governments that have the ability to implement such projects, there are many differences in the way many governments are governing the implementation of development programs.

In the draft, you have even articulated the sequencing in which you are going to adopt the country systems. Don't get me wrong, because I have also worked at the national government, and I have seen how the development projects supported by the Bank are being implemented at the sub-national and local levels. The reality is much more complicated and grimmer than what you [unclear] present. Your draft does not even say how you're going to sequence the adoption of country systems, which one should be adopted or not adopted. You're not even articulating how are you going to do a capacity assessment and policy capabilities assessment before you try considering adopting this policy in implementation of the project. You do not even mention there the role of the independent monitor. You do not even mention the way in which whether there are clear indicators in the use of specific country safeguard system in the lending agreement. So, for them and for us, which I support, I came from the global south, I support the statement.

There is one specific question that we want to and we want you to commit. We want you to recall this draft, put it back on the drawing board and address significant failures and weaknesses in the draft, including the need to ensure that the existing safeguards that are already strong should be kept, not diluted, and expand the application of the safeguards, not just to investment loan, but also to the growing lending instruments that you are using, PforR and policy-based loans.

Now, this is again the same question. Are you going to commit to have this draft recalled, brought back to the drawing board?

[Applause]

Sharma Datem:

My name is Sharma Datem from India, but I'm speaking for a very large number of communities and CSOs which are assembled here, which have addressed, which have engaged with the safeguard process for nearly two years or more, and we have got more and more angry and frustrated over the last four or five days. And it seems that World Bank has forgotten the world belongs to people, not for your borrowers. So please stop categorizing as borrowers and client. The world needs protection for its vulnerable people. And this is our response to that. We are asking for safeguard for the people, not for the profit.

And this is our statement: It is nearly two years or more that you started this current review of safeguards on Bank investments. Affected communities and their support groups and many other CSOs from all over the world seriously and sincerely engaged with this and provided an endless amount of input about how the safeguards policies must be strengthened to ensure real protection of people and the planet. What this means is that, large sections of the people in poorer and developing countries face the many threats from increasingly aggressive industrialization and destruction of natural resource. You have more forceful evictions and land grabs, dilution of labor rights, and informalization of labor, rapidly rising privatization of the commons, discrimination against various marginalized communities. Many of these are funded partly or fully by the World Bank or World Bank Group, where affected people look for some basic minimum levels of protection through the instruments of safeguards and expected improvements in that. We have watched with rising concerns that your new safeguard proposals decrease these expectations and represent exactly the opposite. Instead of ensuring protection of vulnerable communities and the project-affected people, your draft proposals are dismantling even existing protections that have been built over decades of hard work, hard-earned protection that people have fought and died over. We cannot [unclear] the status of this regressive journey and must convey to you the rising frustration and anger amongst the many communities that are facing these impacts from Bank-supported projects and also within many people's movements and supporting civil society groups, collectives and

neighborhoods from all around the world. And being the World Bank, you should take very serious note of this. Even during the past few days of deliberation, the last five days, we have watched with increasing dismay the increasingly insensitive responses to the passionate appeals by cornered and distressed communities affected by Bank-supported projects. We have watched as urgent pleas from our brothers and sisters from Guatemala and Cambodia, from Ethiopia and Indonesia, all of them are present here in this hall, for minimum protection from rampant human rights abuses bring naked, hawkish responses like, not possible, this falls on the consultation. We are frustrated by the cold-shouldering, of the suffering of thousands of affected families, of religious minorities, persecuted religious minorities from the western fringe of India that Medhaji has referred to. Even after the confirmation of your own audit mechanism, that is the broader World Bank Group's [unclear] of violations of performance standards and massive impact, and these are just the tip of the iceberg. We are also alarmed by the rising talk of the Bank of venturing into riskier investments, which is coming from very high echelons of the Bank.

Hundreds of organizations of indigenous peoples and forest dwellers are terribly concerned with the proposed opt-out clause and the dilution of protection hitherto given to biodiversity and protected areas and the communities which depend critically on them. You also propose to venture into uncharted territory of biodiversity offsets without even knowing what is the biodiversity content in those areas. Even science doesn't know, and the World Bank proposes to chart into biodiversity offsets the destruction of biodiversity of these areas. These gambles are more suited to a venture capital fund, not fit for a development bank. And the people of the world cannot allow this to happen.

We, the hundreds of people's movements and organizations, present here from around the world and the many thousands more we represent back in our countries are rejecting this current draft of safeguards. The protections you now seek to dismantle, the safeguards that we fought for over decades, do not belong to you. They are not yours to throw away. They belong to the world and its vulnerable people at the most.

In our engagements here, we have also had a handful of saner voices from within the Bank and asked them to fight inside the system, while protecting the very lives that themselves enjoy, that you enjoy, for all the people and all the communities around world facing potential threats from this proposed dilution of protections. We strongly believe this protest action that we are compelled to take today will strength these voices within the Bank and outside and create a better environment for creating a really progressive safeguard policy, which this is not. This will be in the interest of the Bank itself, as well as for the entire world.

This is why we are forced to take this action now and join our partners in the protest outside the Bank here. Today we are going out of this

consultation to defend the safeguards and to stand with the world and against the Bank that is trying to destroy as it is doing now. We sincerely hope that this will help a better tomorrow, within and outside. Thank you.

[Applause]

Sumir Lal: So, I suggest we continue and, okay, we'll take a 10-minute break and come back. There are a lot of people here who still do want to engage and then we'll be back. Thank you.

Sumir Lal: I think we should keep going.

[Start of Video, Part 2]

Sumir Lal: Let's start. So we'll continue with this event as long as people want to keep talking and the panel is going to be happy to respond. We received a message from the group that just spoke, and we recognize their opinion and the manner in which they made it, but for those who are in the room, we will continue.

So, maybe I'll start by asking the panel to perhaps respond to some of the comments that were made before the break, especially there were some very specific comments on the labor standard and on the indigenous peoples aspect.

Mark King: Welcome back, everyone, and to those online. Let me start by picking up on some of the issues raised in the first session and addressing those, and in no particular order. Apologies for some that missed out because there were some quite long interventions there.

Firstly, with regard to use of country frameworks. What's very important, as I mentioned earlier, is to not only assess the framework but also to look at the capacity and the commitment of the borrowing country, the project to meet the commitments contained within the environment and social standards. That goes without saying from our perspective.

The methodology, we put out a little paper which talks about the methodology, the approach we would take to looking at country frameworks. That is also a work in progress, and we look forward to having any observations and comments from stakeholders on that particular approach, that document.

I wanted to touch on the issue of livelihood restoration. It may not be coming clearly through in the draft, but it is our intention that livelihood restoration should be looked at on projects. It can be through ESS-1, which deals with environment and social assessment. So if we have waste pickers, they need to be looked at and assisted through the course of the project. If we're thinking of downstream water users, fishermen or whatever, on a hydro power project or

whatever, those people need to be safeguarded also. So there is an intention to look at livelihood restoration in projects.

There also seems to be a notion that we weren't going to be considering a broader range of impacts outside the immediate nature of the physical project footprint. We have mentioned in the document the need to look at cumulative impacts, to look at direct and indirect impacts. Clearly, if that's not coming through strong enough, then we need to look at the wording, but those issues need to be covered.

And when we talk about vulnerability, we, I spoke about a few areas where people could be considered vulnerable this morning. But just to emphasize that we're taking a broad view of this. So we're looking at vulnerability from also the perspective of whether people are landless, whether they are of low caste, whether they are poor, all these elements need to be considered in the social assessment.

And there was also a suggestion that we weren't considering the pollution pays principle. I think that's fairly well embedded in ESS-3, but just to say that clearly that we do uphold that particular principle.

There was a point that maybe ESS-2 is counter to attempts at harmonization. It's fair to say that if you look at the broad range of safeguard policies, standards amongst the MDB community, amongst the export credit agencies and others, whilst they're all more or less the same, there are obviously differences. You know, some might be better on one particular issue than another.

And clearly we've heard that the current approach with regard to labor issues, frightens a lot of people. We've had discussions, a full-day's discussions, and ongoing discussions with the ILO about their particular concerns along the Fundamental Principles, the 1998 Fundamental Principles, and we're working with ILO in a collaborative manner to address their concerns.

But I think it is important to recognize that if you compare the existing operational policies with the new draft, the new draft does represent a considerable step forward in the way in which the Bank is addressing environmental and social issues, not only in the breadth of the issues that are covered, the range of issues that are covered, but also the rigor with which we want those issues to be dealt with. And we've signaled our intent that the framework not only involves the policy and the 10 standards, but also a whole series of mandatory requirements on the part of a bank, but also on the part of the borrower that will deal with many of the issues that have been raised in much more detail. So, how to carry out a social economic survey on projects will be covered, how we deal with biodiversity issues will be covered and so on.

Turning to the issue of biodiversity, as I mentioned, the new standard sets a broader framework than the existing operational policies on the forests and natural habitats. And even within those existing documents, there is the

concept of offsetting and critical habitat. I want to be very clear, though, that we are not proposing any increase in offsetting as a general notion. Offsetting is the last resort when one employs the mitigation hierarchy. So the first thing is to identify impacts, to try and avoid impacts, to minimize impacts, and a final resort could be, could be, offsetting. But offsetting is not something to be undertaken lightly, and we need to be very sure and I think we've set a very high benchmark, particularly with reference to critical habitats, that needs to be followed before we would consider offsetting any adverse impacts on critical habitats.

I'll stop there and I'll just pass to my colleagues, who may have a better memory than me and take up some of the issues that I forgot.

Stefan Koeberle:

Okay, we had a number of questions about the coverage of instruments, and then there was a statement made about the perception that the share of lending going to policy-based lending is growing. I'd just like clarify that that's a misperception. The government policy lending typically in the World Bank is counter-cyclical, meaning the World Bank tends to lend more in development policy financing during economic crises. In the economic crisis a number of years ago, in FY09 to 10, it did indeed increase to about 40 percent. Since then it's declined to 24 or 26 percent last year. So it's very clear that there's no trend. I'd just like to emphasize that there really is no trend. This does vary from year to year.

Now I'd just also like to clarify again, the Bank does look at environmental and social aspects in all its instruments. It looks at this in a different way in development policy financing according to the policy provisions set out in OP 8.60 because it's a different instrument. Unlike investment financing, which is what we're talking about here, development policy financing does not finance specific investments or it does not have projects with a physical footprint. It doesn't finance power plants, it doesn't finance roads, it doesn't finance dams, it essentially gives budget support in support for our development program. And as such, the provisions that are set out in OP 8.60 clearly say that the Bank needs to determine whether the program policies supported by the World Bank's development policy financing does have a significant effect on the country's environment, forest or other natural resources. And that's the policy provision that's set under OP 8.60.

It's going to be looked at, the experience we get, in line with our tradition of looking at this on a regular basis in our retrospective that is underway at the moment, and we'll be prepared during the course of FY15. And based on previous experiences, we've used these retrospectives to refine and improve the application of OP 8.60. So, for instance, in previous years, based on the experience and lessons learned from the retrospectives, guarantees were incorporated in development policy financing, and this year there will be a particular focus on the environment and social provisions. This will also be looked at in IEG evaluations.

Charles Di Leva:

Thanks. There are a few points that were raised by colleagues who are no longer in the room. There was a comment that everything needs to be looked at within nine words that give the Bank the right to decide the appropriate time frame. For those who are interested in that particular issue, those nine words don't sit by themselves. I'd ask attention be paid to Standard 1, paragraph 36, which provides the detail about how that time frame would take place, by saying, for example, that within that specified time frame you have to avoid, minimize, reduce or mitigate risks and impacts of the projects. Borrower cannot carry out any activities in relation to that project that may cause material or significant adverse environmental or social risks or impacts. So, indeed, there is a standard that's connected to those nine words that was not referred to earlier, but as I mentioned, I think that person's no longer in the room.

There was also a comment about unprotected workers in the labor context. I think the questioner's also left. A point in that context is that the World Bank Group Environmental Health and Safety Guidelines are required to be applied under this new framework, and those guidelines have a very clear, detailed set of requirements on occupational health and safety. So those provisions on occupational health and safety would apply to project workers. So they would be protected in the occupational health and safety context and, in addition, I think some of the points on the labor have portrayed the landscape as being more uniform than it actually is. Because in the case of the Asian Development Bank, they don't really have a labor policy, they have a labor guideline, and so in that part of the world we don't have a uniform approach and, in addition, some of the MDBs that have been referred to, unlike the World Bank, are largely operating in a private sector sphere, not a public sector sphere. So, again, it's not the uniform landscape that was portrayed.

On the point about free, prior and informed consent should apply in all settings, and this reference to forced eviction, the free, prior and informed consent has to be looked at in the fact that all, probably every member country in the Bank, including this one, applies the principle of eminent domain when settlement occurs, in all countries. What the World Bank has had for year has been the leading policy, seen as international best practice on resettlement, Mark referred to it, and indeed, in this new draft, there are provisions that say, if you're carrying out eminent domain or if you're carrying out resettlement, it must be done in accordance not only with the Bank's standards for compensation, livelihood restoration, but has to be done in accordance with principles of due process. Those principles are not in the current Safeguards, but now it's explicitly laid out in the new standard.

There was also a comment on no detail on how the country system would work, but Mark referred to annexes that we've put out, and I'd refer you to our website where we now have a detailed note on how indeed we would work in developing and helping to implement the borrower's system. Thank you.

Sumir Lal:

So we can take another round of questions or observations or comments. We could, especially on some of the issues that may not have yet got discussed,

indigenous peoples, for example, or, again, anything anyone wants to raise from the floor at this point. Yes?

Kristin Hyatt:

Hi, I'm Kristin Hyatt. I'm here, I work with Victoria Tauli-Corpuz, the UN Special Rapporteur on the Rights of Indigenous People. I just have a couple of points, most of which I think have already been raised, but to reinforce. First is concern that the policies apply to the borrowers, of course. Okay, first is concern that the policies now apply much more to the borrowers as opposed to the Bank, so I'm hoping for more clarity on the lines of accountability and supervision and the role of the Bank. I'm concerned that there's no reference to the UN Declaration on the Rights of Indigenous Peoples in the policy and also concerned about the limitations on the scope, explicitly excluding PforR and DPLs. And noting also that the financial intermediaries, the threshold seems to be, there's a lot of room for discrepancy and raising a little bit of concerns about what that can mean. Some concerns about the financial intermediaries and how the standards will apply in that context, including with respect to the common approach options.

And concerned about the very limited references to human rights obligations generally, appreciating that there are a few references to international treaties and agreements, but would prefer to see more language explicitly highlighting human rights. IFC performance standards do that, for example. A little bit of concern that that's not here. Thank you.

Sumir Lal:

Anyone else, or we can go straight to the panel. Yes, Mohammed. Can you get a mike for him?

Mohammed Loutfy:

So, thank you for your responses now. I think what we need to hear more from you is further elaboration on the comments that we heard in the previous round of questions concerning national sovereignty. Yes, there are annexes, but it seems that we, as civil society, I mean, these are not still clear for us. Governments have different approaches. Each country has a different approach. So to what extent the World Bank is going to be flexible, but at the same time would not get trapped into the dilution of principles just because you want to respect borrowers' decisions on how to conduct things according to their country systems. This is very important to address.

We all hear about intentions, in our intention, you keep referring to that. I think one of my colleagues from Egypt said that good intentions would not necessarily make a difference. We want to see something more concrete in the language you are using. We really appreciate the time and efforts, we trust you have good intentions, at least what I'm hearing from the panelists here. Well, I mean, I'm not sure about other staff members at the Bank. People at the operational level usually get real intimidated when we address these things with them. So, also I think what we are trying to envision that this safeguard is going to create a new culture at the Bank, a new mentality, a new attitude by operational staff members because, I mean, every time we talk to people in operations, as if like we are stepping on their toes, or we are sitting in a classroom with a teacher

with a stick because we don't know and they know. So, again, this is very important thing that we need to address, considering the significance of the Safeguards.

And the last point I want to make, your perspective on equity, again, please don't tell me our intentions. We need to see more concrete steps to enhance a bottom-top development approach. So, what's your perspective on that? Thank you.

Sumir Lal: So, we'll get some of the panel to respond to some of those specific comments, but let me turn to Kyle Peters, Vice President for Operations Policy and Country Services, for his comment.

Kyle Peters: Yeah, thank you very much, and I just want to say that we really appreciate all the comments and suggestions that we've heard. Let me just start, I actually have to go before closing of this session, so I wanted to say something before I left. First, I want to say, as the President said in the CSO Townhall earlier this week, we really intend to extend the consultations to sort of, so we really do them right. We also, as you said, intend to resource this, the implementation of the Safeguards and the Standards appropriately, and I think that's a commitment that we all make. And I just want to say that, I've also heard very much all the feedback on the consultations and the process, and during the Annual Meetings, everyone's in Washington. So in the next week well have a discussion with the country directors, and very much reinforce the message that I'm hearing from you that we need to have the schedules that are well-known in advance. We need to have consistency in our approach across the country offices, we need to be inclusive in our approach, and we need to make sure that all the documents are available for you and that we will come back and we'll go through that. I think that's the minimum, as someone said about the consultation process in the World Bank, and I will reiterate the message and work with the team to make sure that happens.

I think there have also been a lot of questions about, the implementation and the process, and I very much share the view that if we move into a process where there's a lot more focus on implementation, then we need to have the resources in the organization that one needs to have to ensure that we have implementation support and supervision that's consistent with the requirements of these standards. And I know I'm working, we're working with the global practices and with the safeguards advisors who we've put into a group so we have a more centralized approach to that. So we hear you very much on the implementation side.

And then the last points, the last comments made about the language. I mean, I think the whole point that we really want to say is, we appreciate the comments on the language. I think from hearing this conversation and from hearing the intentions of what we're doing, I think there are some language issues about it, because I think we fully intended to do many of the things that have been raised here, and we need to go through the standards, go through the guidelines that

will come, and make sure that we have that approach and that the language reflects that. We have a mutual understanding of the language and the language is consistent with our intentions.

So let me just stop there and just to thank everyone for, I'm not asking you leave, I just have to leave, but thank everyone for contributing to this process, and hopefully we can continue to move it forward. Thank you.

Sumir Lal: Thanks, Kyle. Would the panel like to respond to some of his specific comments that were made just now?

Mark King: Thanks, Sumir. I just want to touch on two things before I ask Charles to talk about the indigenous peoples aspects. Mohammed referred to the need for a new culture within the Bank, and that's very much the expectation. The Bank has been going through a whole process of change, as you are very well aware. That's created the global practices, which are areas of excellence to focus on specific thematic areas. And Maninder, I might ask you to comment in a moment or two, but I personally have heard the GP senior directors and the directors signal to all their staff very, very clearly that they value the safeguards work that's done by staff in the Bank and they're doing a lot of good work to build up the culture and the value system in that respect.

I don't know, Maninder, if you want to add anything specific or are you happy with what I just said? Good. Thank you.

The other point I wanted to mention is with regard to the use of borrower frameworks. Certainly it's going to be the case that in some countries we will be able to rely on the country framework a lot to deliver on the 10 standards and the directives and the things that are behind them, but there will be a large number of countries where we will not be able to rely on the country system very much, if at all. So I just want to kind of manage that expectation that, you know, we, at the end of the day, have to decide as an institution whether we can rely on a country framework. That involves, as I mentioned, looking at what's in place in terms of their legislation and processes and whatever, but also looking at the track record of the country in dealing with such issues. So this is a regulated process from our perspective, and where we propose to use aspects of a country framework, this will be disclosed in the PAD, in the project documentation related to that particular project, and stakeholders will often have an opportunity to comment on our intended use of the framework.

Charles Di Leva: Before I go to Kirstin's question, just to add to what Mike was saying, it should also be clear that, to Mohammed's point on would we be trapped into relying on a national sovereignty, that if we use a borrower framework, we remain accountable to make sure that that framework is consistent with the objectives that we've laid out in these standards. So, that's something that I think we looked at very closely to be sure that these objectives were consistent with the principles that are embedded in the standards. So it's not simply a deferral to a

system in toto, it's a system that has to enable us to ensure consistency with those objectives.

Just to answer your question about why there's no reference to UN Declaration on the Rights of Indigenous Peoples, as your colleague Vicky, who's the rapporteur on the UN Permanent Forum, has said it in other situations, it's not a legally binding document, it's a declaration, and there are many, many declarations within the UN system that are relevant to our work. When we develop directives and guidance and other materials, these are areas where we can refer to declarations and resolutions that are not legally binding but are relevant to our work, where we can take these things in to account. That allows me also to refer to the human rights principles that you raise. What we have done with this framework is open up this space to take into account a whole range of information that was not explicitly provided for in the current set of safeguards. So by opening up this space about nondiscrimination relevant to a whole range of different groups, by opening it up to all of the human rights principles, we've opened up to taking into account information that's raised that are relevant to this broadens scope of standards than we currently have.

And that was similar to, because there had been a question before on ILO 169. Why not refer to ILO 169? Well, it's a convention that's been ratified by, I think latest count, by 19 countries. We have a patchwork of ratifications, and even if we talked about the UN Declaration on Rights of Indigenous People, there are a number of Bank member states that either abstained or didn't sign on to it. So, it's relevant, but we have to keep it in the appropriate context, I think.

Sumir Lal: Maninder? You may just want to introduce yourself.

Maninder Gill: I'm Maninder Gill. I'm one of the three directors in the new Global Practice on Social, Urban, Rural and Resilience Issues, and I'm responsible for social development globally, including Social Safeguards. So very briefly on the implementation arrangements that Mark referred to, I think in terms of seriousness with which we take these issues, I don't, we've taken them extremely seriously for the past many, many years, so I won't say that we're now going to take them more seriously, because I personally think, having come from that background, and you made a reference to, you know, this being important for staff in terms of career, for the fact that I could start 20 years ago as a social scientist working exclusively on resettlement or disposition is also encouraging for other colleagues who work on safeguard issues. So these issues have been important for the institution for a long time.

I think what is different in the global practice structure is that now we are enabling staff to be able to provide the best solutions for the benefit of the environment and affected people and communities. In the past, as you know, those of you who are familiar with our structure, we would have regional structure and the anchor, so if you were in a region, you basically relied on your 10-15 colleagues who work on environmental or social issues within that region. By creating the global practice now, we've created mechanisms where, in my

case, there are 200 social scientists who are in one community of practice, who discuss complex, challenging, difficult issues on a weekly basis and are able to come up with the best solutions for clients.

We also are now able to deploy people from one, depending on the scale, complexity, scope of the project and safeguard issues, we can deploy people from anywhere in the world to where they are really needed. So if our crop resettlement expert is in LAC, this doesn't mean that if you have a complex issue in East Asia, you're not able to deploy him or her. So that's a huge enabler now to enable us to deploy our resources effectively and to create mechanisms, Kyle referred to that, Stefan and Mark referred to that as well, by creating this institutional mechanism where OPCS and our environmental colleagues and social development colleagues, we are in one group, so if there's any issue of interpreting the policy or any project that poses a significant challenge, there is a quick kind of decision making mechanism to help address the substantive issue and also to deploy the resources that are necessary.

So, I would really encourage all of you to work with us, to help derive the maximum benefit from this new model, which I, as someone who's worked in the trenches for two decades in the Bank and for one decade before the Bank, I find this very, very encouraging and very, very promising in the domain of safeguards in the future, and we will need to work together to make sure that we actually derive the maximum benefit that this new model offers.

Sumir Lal:

Thank you. So back to the floor, any, yes, we have.

Kristin Hyatt:

Thank you. I just wanted to follow up a little bit on this dialogue over the UN Declaration. Under Article 42 of the Declaration, which is passed by the UN General Assembly, there were only four countries that opposed, and all four have since withdrawn, but it's a General Assembly decision that has passed by the United Nations, so who abstained or did not isn't so relevant any more. Article 42 says that the Declaration applies to specialized agencies of the UN, of which the World Bank is one, and it applies under two different provisions of the UN Charter. So I'm a little confused why it would be seen as something that's optional for the Bank. Moreover, tying that to the concerns about discretion to the borrower, when we look specifically at the Indigenous Peoples Policy, and it allows for the alternative approach, which, I know there have been plenty concerns already about, allowing the borrower to choose alternatives to the Indigenous Peoples Policy. If indigenous peoples are not recognized and if the discretion is to the borrower, then there is concern, for example, that resettlement policy, cultural heritage and some of the other provisions, other policies, they don't have any reference to ethnic, for example, which we know that under the UN umbrella and international human rights treaties, there are some explicit concerns there. Without, if you don't have the indigenous peoples provision applying, what's to stop consent versus consultation being the standard in that context under their resettlement policy, for example? So I'm curious how the alternative approach would apply in that context. Thank you.

Sumir Lal: Yeah, we can take this question.

Martin Sneary: Good morning. My name is Martin Sneary. I'm with IUCN, the International Union for the Conservation of Nature. I was quite heartened by the opening remarks and opening presentations that the text is not yet set in stone and there is a strong desire to move to a greater level of harmonization between the approaches taken by the respective financial institutions. As such, we do have a slight concern that the language and the approach that's presented in ESS-6 diverges quite considerably from the approach that was well established in Performance Standard 6 at the International Finance Corporation. And whilst there are merits in the new approach that's been advocated, we do wonder whether it's almost a step too far that doesn't form a nice bridge between what has been achieved with IFC's Performance Standard 6 and indeed has been picked up and adopted by a broad set of other financial institutions, including the PFIs and OECD export credit agencies, where there might be an opportunity to reflect and make a stronger convergence approach, because I think rather than having revolution, there might be an opportunity to have evolution that brings the disparate parts of the Bank, the public sector and the private sector lending, their approaches closer together, and they may be on a slightly longer time line. We could look at some slightly more fundamental review of some of the approaches that we're taking on biodiversity, accepting that we think that the approaches that have been made to date have been quite commendable and have a lot of merit to them. That's something to reflect upon in the ongoing deliberations around the structure relative to ESS-6, in particular. Thank you.

Sumir Lal: Should we respond to those two?

Charles Di Leva: Yeah, as Mark said before, we have not completed drafting of a number of relative instruments to our framework, so we are certainly aware of the declaration. Let me point out also that a similar argument was made concerning the declaration before the Climate Change Convention and the Convention on Biological Diversity, and there as well they decided that they would simply take it into account, and I think that's something that we are certainly willing to do. But by saying that they'd take it into account, they reaffirm the fact that as a matter of international law, a declaration is not legally binding. So I think, we're happy to discuss that further, but that's our understanding about how to go forward with that.

Mark King: I just want to say a few words about the alternative approach clause and how it originated. We had a meeting with some indigenous peoples leaders in New York a few weeks ago at the UN Congress, and we talked about this. I started off by saying that I know that you will be happy with the current draft in that it makes advances over the existing operational policy, because we're now having working on free, prior and informed consent, which you asked for, but we are addressing, we have words on how to deal with people who wish to remain in voluntary isolation, which you asked for. And also we have wording recognizing that pasturists and lifestyles are conforming to the definition of indigenous peoples, which you asked for. And then I said I know there's something in the

draft that you didn't ask for and that many of you are not happy with, which is the alternative approach language.

Let's just reflect a little bit about how that's come about. As we mentioned early on, we're a community, the World Bank is a community of 188 shareholders, countries. Many of them have very, very different geographies, socioeconomic backgrounds, cultures, values, and what we heard from a large number of countries, particularly on the African continent, is that they don't like the Indigenous Peoples Policy. They think the use of the term indigenous is inappropriate, to say the least, and some find it offensive. We also heard from some countries that say that indigenous peoples are well-recognized within their constitution, some Latin American countries, and, again, that it would be inappropriate to use the term indigenous peoples and have a policy in such areas.

So we were faced with a situation where we had quite a polar view amongst shareholders, and so we tried to address their concerns by coming up with this alternative approach language that would allow us to protect and safeguard indigenous peoples in situations where some countries don't want to or don't like the use of the term indigenous peoples. And we narrowed that down into two areas.

Firstly, where use of the term or use of the policy could be seen as divisive or, quote-unquote, favoring one group over another in mixed communities, and that it might incite violence, racial tension and so on. That was one area. And I can say that a number of African ministers of finance expressed that concern very clearly to me when I was in the Khartoum Meeting of African Finance Ministers a few weeks ago.

And then the second area, as I mentioned, is the area where, according to national constitutions, using this alternative approach, I'm sorry, using the Indigenous Peoples Policy is inappropriate *vis-à-vis* the constitution.

Now what does this mean if we use an alternative approach? What it means is the country does not have the choice on its own to decide or not to use the Indigenous Peoples Standard going forward. It's not their decision alone. The decision is based on the following process.

Firstly, the country would have to propose to the Bank that the Indigenous Peoples Standard not be used, citing reasons for that. The Bank would then engage social and anthropological experts, indigenous peoples experts to look into the particular circumstances, to discuss this issue with the indigenous peoples and obtain their views. This would be written up, disclosed in the public domain, and ultimately it would be considered by the Board. And the Board would decide whether or not a particular country could use the alternative approach or not. So this is, I must emphasize, this is not countries deciding this, this is the Board ultimately deciding this.

Now we've had a lot of concern about this clause and, I have to say, from our own staff, as well as from CSOs, indigenous peoples leaders, and the ILO and so on. But it was important to at least put this wording in, which reflected the concerns of a large number of our shareholding countries and to have this debate now that there is a specific wording and a specific concept on the table to discuss, rather than, as I mentioned, an abstract discussion that we were having in the first round of global consultations.

So the fate of this clause within the standard is not up to me or Stefan or Kyle or anyone else to decide. It's up to the Board to decide, and the Board will take a view based on the input they have from stakeholders, whoever they may be and what form they are, around the globe. Thanks.

Sumir Lal: Do you want to respond to the comment on ESS-6?

Mark King: Oh, sorry. Yes, in terms of ESS-6, we were trying to take the commitments in the existing operational policies on forests and natural habitats and bring them together without losing any of the commitments, but also take on board some of the philosophy and approach of PS-6 and PR-6, and if there's any in IBRD and others, and we're trying to put something together. Clearly, we're not fully there yet. We've heard that from a number of people, and we are having in a week or so a thematic meeting, which I think you're coming to, to discuss this issue.

So this is a work in progress. As we've said several times today, these things are not cast in stone. We're here to listen how we can improve the draft based on ongoing discussions.

Stefan Koeberle: Just one word on the point Mohammed raised on equity, which we share very much. As you know, the Bank has been at the forefront of research on poverty reduction and has been a leading force in arguing that a more prosperous society required a more equitable distribution of income. So that's not new. I think what's important here is, there's two aspects. One is the Bank's embracing of goals that focus on poverty reduction and sharing of prosperity, which is directly addressed at equity. And secondly, I think the point has been made before, but needs reiteration, namely that safeguards are ultimately about protecting people from potentially adverse impacts of investment projects. The Bank's engagement on income distribution and poverty reduction goes way beyond that. We engage with a variety of instruments, including our policy dialogue, our knowledge sharing, our engagement of capacity building, using a variety of instruments. Investment causes are only really one part of that, and we try to address the Bank's goals through a variety of instruments at our disposal to support our clients in the quest for a more prosperous and more equitable society.

Sumir Lal: Okay, back to the floor. Any further questions or observations? Oh, Mohammed again.

Mohammed Loutfy: Sorry, I'm trying to take advantage of this just to make this clearer for both sides. The issue of country framework. It's getting clear, however, there is a delicate part, which is, when deciding on which framework we want to use, whether the World Bank framework or the country framework or the country system. My understanding is Board members at the Bank are usually representing, the government, their governments, and the countries they are also represent. The governments in developing countries, in mid-level south, are still having significant problems in their communication with grass roots people. So, thus, the ED of any country would fit into that category of representing government's perspective, which does not necessarily reflect grass roots. This is logic, the logic that I'm understanding. Maybe I'm wrong, I hope so. Now, how do you make sure that when a country proposes a project the grass roots perspective is taken into consideration? What if this government does not or is not taking into consideration grass roots perspective? What is the role of the World Bank in terms of ensuring that there is a sort of space reserved for the bottom-up approach? Thank you.

Rafael Hernandez: My name is Rafael Hernandez. I'm in chair that represents Mexico, Central America, Venezuela and Spain, and I would like to refer to what Mohammed just said. I think that he is partially correct when he says that we here represent the interests of our country. However, perhaps he's omitting a very important responsibility that we all have at the Board, and that is that we are protecting the interests of the institution as well. I can speak from my experience that we have had an open door for all different kind of constituencies that have points of view that differ from what the government might be saying. And I can assure him that in the five years that I have been in the chair, and you can check with [?Herave?]. Interesting discussion two days ago with a group of CSOs from Mexico, Central America, South America, where these issues that we're hearing here today were presented to us, and we assured them that as well that we were having a very intense dialogue with the governors that are here and with the different ministers that visit us that there are things that perhaps need to be taken into consideration and that even if we are representative of that country, when it comes to discussion, we tell them that this is something that the institution as a whole is embracing and we would be an outlier if we just, you know, looked the other way.

So, I can assure you, Mohammed, that we have a double responsibility, and the responsibility for the welfare of the institution is as high if not higher than what we can do for our countries.

Sumir Lal: Thank you. So, maybe, okay, Mark.

Mark King: You asked some questions, Mohammed, about whether stakeholders, the grass roots would be able to express an opinion. Yes, they would. If we are proposing to use elements of a country's framework, that would be disclosed in the Bank's project documentation, the PAD, so stakeholders would have the opportunity to comment on whether or not we should, in their view, use elements of a country framework. I won't name countries here, but I have very direct experience of

CSOs feeding back to financial institutions and DBs and saying, you know, we hear that you're proposing to use XY of a country framework in some way, and we don't think it's appropriate and here's why. And they had valid concerns and they were listened to. So it is important to listen to grass roots.

Mohammed Loutfy: But how do you make sure that governments allow this. If the thing is, the government is playing like sort of mid-way between the Bank and the grassroots, this is mostly what's happening. I'm sorry. So I'm going to repeat. The governments usually play, they're sort of a mid-way entity between the World Bank and grass roots. There is a rare, I mean, it's not as frequently as we wish, that the Bank would have a better or constant communications with grass roots. Usually this is happening through governments. The problem is governments sometimes fail to fulfill this principle. So how do you make sure and how, what is the role you're going to play to make sure that governments, when proposing a government, they are taking into consideration an inclusive approach with their grass roots or civil society.

Charles Di Leva: Mohammed, I think it's spelled out in the Bank's policy that it's our responsibility to carry out due diligence to be sure that the governments do things even if they're not comfortable doing it. So it's our responsibility to make sure that the stakeholder engagement plan is done, and it's our responsibility to be sure that what we've embedded, what we think our key human rights principles that we've embedded in our policies – meaningful consultation and effective public participation – are part of that process. If that doesn't take place because the government doesn't feel like doing it and we haven't insisted on it, then we've failed in our due diligence responsibilities and we're accountable for that. But I think, you know, that's the way to look at the issue that you're raising. Meaningful consultation, effective public participation are an essential requirement for us to go forward with Bank project financing.

Sumir Lal: Okay, let me ask, does anyone other than Mohammed have any intervention? Because, if not, if everybody has expressed whatever they have, then maybe I'll just turn to my colleague Anne to just give a brief overview of the consultation process going forward. And then you could perhaps ask Stefan to wind up on behalf of the panel.

Anne-Katrin Arnold: Hi, my name is Anne-Katrin Arnold. I'm working on the Consultations for the Safeguards Review. So I've heard a lot today about how not to do my job. Just to give you a brief idea of where we are going from here. So, we are starting the Country Consultations in earnest at the end of this month. We've been in Georgia at the end of September. That was a kind of outlier, but we are going to start a systematic effort at the end of this month. We have Egypt, for instance. We have Turkey, for instance, and there are a range of other countries, and you can find the list of countries on our website. There's a document that lists the countries and the dates, if they are confirmed, and then there's also a category called meetings on the website, where you can see the meetings where participants have been invited. So these meetings are solid, we have the location for them, we have the time for it.

What I would ask anyone who's interested in participating in meetings to send an email through the website to safeguardconsult@worldbank.org or the email's on the website. That's how we can make sure that you are, if you want to participate, that you are getting an invitation. We heard about Georgia there was a problem, but the best way to make us know that you want to participate is to go through the website. Then we can personally make sure that you will be invited.

We have a range of other activities planned. For instance, we're doing expert focus groups, a little similar to what we did in the first round of consultation. There will be one on labor. I think that's, there's one on biodiversity later this month, and then there also will be one on vulnerable groups, and we're thinking as we go ahead, as we have a little more time now, we know the President promised to extend the consultation phase, what we can add to that. We have meetings with indigenous peoples. I believe there are seven meetings planned at the moment, where we're going to indigenous peoples' hubs in the different regions and going to have a dedicated dialogue with them to specifically discuss their concerns, also specifically with regard to the proposed Indigenous Peoples Standard and the alternative approach that was talked about.

What we are also thinking about doing is a number of completely public global meetings online. That is something that we are still thinking about. We can do that through our consultation hub at the World Bank, where we'd basically invite whoever would be interested to discuss the Safeguards Reform with us.

If you go to our website, there's quite a wide range of communication channels that you can use. You can leave just a comment, which will be published on the consultation website so that everybody can see what you think. You can send us a document, a statement, which we will also publish, if you allow us to. So there are quite a few interactive methods that you can use on the consultation app. But what's really important that if you see a shortcoming in the consultation process, if you think we can do better, please email us, please let us know about this. But, because a lot of these things are things that we can fix, that we can work on and we can better. So that's definitely something. Just work with us on that so we get a good consultation process going here.

Sumir Lal: Thanks, Anne. So maybe, Stefan, would you like to just wind up on behalf.

Stefan Koeberle: Let me just really close by thanking all of you for patiently sitting here and also for taking the opportunity to raise concerns, raise issues, listen to others and bring important issues to our attention. As those of you who have been in this discussion for a while can attest, this is a very complex area. There isn't really a right or wrong. We have seen today a glimpse of the values, of the emotions, of the importance attached to particular issues.

In this process, of course, we are exposed to a number of different opinions, and it's really a privilege to be able to help steer this process through a very

difficult environment where people have long-held views, very high expectations of the Bank, which we take very seriously.

So I think it's a big obligation for us as a team, for our colleagues, to really respect all the views that we hear, and let me just reiterate really our intention to do a very good job in reflecting those views.

At the end of the process, we will present a revised draft that hopefully reflects some of the inputs that we've received that will ultimately be adopted by the Board. We cannot guarantee that everybody will be happy with this. This is not a process where we can have full consensus. We also need to clarify that, and we really want to hear from everybody and we want to really appreciate this period that we're in in the consultation period to get very specific inputs, to hear anything we may have left out, anything that we could have strengthened, any areas where we didn't get the language right, any areas where you have particular points that you think need to be address. And we welcome that in all forms, whether it's verbally, whether it's in these consultation meetings, whether it's through online discussions or whether it's through specific inputs that you're sending us. And we carefully look at all of those.

So, I'd just like to thank you and reiterate that these are complex areas that will require a lot of discussions, and we are open for hearing views on this. So thank you very much for taking the time to look at this and stay with us in this process.

Sumir Lal: Thank you, everybody.

Male Speaker: How long do you think it will be before the draft is ready?

Stefan Koeberle: Well, we said we'll take as long as it takes and, as you can see, we're about, how late are we? We're probably one or two days late, so don't worry. We'll pursue this, we'll, all the consultations are on the website and we'll extend that as necessary to really hear all the voices that are coming in.

Sumir Lal: Thank you, everybody.