

May 22, 2015

Via Electronic Mail

The World Bank
1818 H Street NW
Washington, DC 20433

Re: World Bank Safeguards Review – Phase 3 Consultations

Dear Safeguards Review team,

We, the undersigned civil society organizations, write to request a meeting, accessible by conference call, with your team to discuss our recommendations for the structure and format of the third and final consultation phase for the Safeguard Review. We urge you to work in conjunction with civil society, as representatives of a broad array of stakeholders outside national governments, to develop a consultation plan that secures meaningful input on the second draft of the Environmental and Social Framework (“ESF”).

We reiterate that the first two phases of consultations were marred by substantial problems, including consultations restricted to invitation-only, a lack of provision of documentation appropriately in advance of consultations to ensure informed consultation, and inadequate notice regarding specific consultations. These and other concerns have been documented and provided in writing to the Bank,¹ as well as orally, during consultations.

We are concerned that the Bank, instead of addressing these important defects, is considering a truncated Phase 3 consultation structure that would rely primarily on web-based consultations, over the course of as little as two months. A limited structure and timeline would be insufficient for interested parties to be able to review and digest materials and would run counter to the Bank’s commitments to transparency and citizen engagement. Not only can the Bank benefit from the experience, expertise and support of civil society if our engagement is meaningful, but limiting participation at this crucial stage risks undercutting public confidence in the final ESF.

While we recognize that there are fiscal constraints as the Safeguards Review moves into its final phase, we feel that an adequate budget, and a minimum of 6 months’ time, will be necessary to meaningfully consult stakeholders on the suite of new materials slated for release.

¹ See Bank on Human Rights Coalition letter to World Bank President Jim Yong Kim, Nov. 25, 2014.

We recommend a Phase 3 consultation strategy consisting of the following components:

- **General in-country consultations.**
 - In addition to consultations in Washington, DC and Europe, which should be accessible by conference call/Skype, the Bank should hold consultations in a minimum of 2 countries per region in each of the Bank's six regions, with the Bank providing funding to at least one civil society group per operating country to cover the costs of travel. It is critical that the civil society group chosen for funding be self-nominated and independent from the government and the Bank.
 - In determining where the in-country consultations should be held, the Bank should include areas where civil society has demonstrated a high interest in engaging in the Safeguards Review. We would welcome a discussion to inform the locations of in-country, as well as thematic consultations (discussed below). These consultations should allow for self-selection of CSO participants and the venues chosen should be large enough to accommodate all participants.
- **Thematic consultations.**
 - The Bank should hold focused conversations, also accessible by conference call/Skype, around themes relevant to the ESF, including those in previous rounds of consultations. For example, the Bank should hold thematic consultations on: climate; biodiversity/forests; human rights, involuntary resettlement/land; disability; children; gender; financial intermediaries; grievance mechanisms; indigenous peoples; and SOGIE. The Bank should keep in mind the importance of, and safety issues related to, consulting with communities who are or may be criminalized and/or are highly vulnerable. Some of these issue areas, such as climate and human rights, would benefit from the input of technical experts.
 - Thematic consultations should be held in the global South, in addition to Washington DC, and be open for any and all civil society representatives to participate, including by conference call. In determining the locations for thematic consultations, the Bank should choose cities where there are civil society organizations working in that particular field and/or cities where civil society are able to travel easily and with relatively low cost.
- **Web-based consultations.** In addition to in-country and thematic consultations, and to increase access, the Bank could utilize web-based consultations. Web-based consultation would be most effective if focused on a particular themes or sections of the ESF draft, so that interested parties can focus their efforts.

Further, we urge that all relevant documents, including mandatory procedures, information notes (including on risk assessment and use of borrower frameworks), directives, and an implementation plan, with detailed budget estimates, be made available in member country languages sufficiently in advance of consultations, to allow attendees to have read and analyzed them prior to the consultation. We recommend the Bank provide a minimum of 60 days' notice prior to each consultation.

Finally, we recommend that you implement the following actions to ensure quality, meaningful and inclusive participation in all consultations:

- **Work with country governments and civil society to ensure that consultation agendas and formats are determined collaboratively and enable quality and meaningful participation without discrimination or coercion.**
- **Ensure that multi-stakeholder consultations are truly multi-stakeholder – that is, they are open to the public and not by invitation-only, with all stakeholders able to observe all inputs, the only exception being cases in which civil society has safety concerns regarding expressing opinions in public.** Many of the multi-stakeholder consultations in Phase Two were by invitation only. In certain cases, civil society groups were blocked from even observing consultations with government officials (whereas in Phase One, in certain cases, government officials had free access to observe civil society consultations, but not the reverse) and there was a lack of transparency as to how the invitee lists were compiled, or who was on the invitation lists.
- **Ensure that country offices conduct outreach for multi-stakeholder consultations that includes indigenous peoples' organizations and affected communities.**
- **Ensure that venues and formats are accessible to persons with disabilities and are large enough to accommodate all participants.**
- **Ensure that the safeguards consultation website contain up-to-date and complete information, including all of the documents, available in local languages.**
- **Utilize public announcements, active outreach by country offices, and video/web and telephone conferencing to make the consultation process accessible in all Bank-member countries, and beyond country capitals.**
- **Record and make public verbatim transcripts of all consultations, including Bank input (with the exception of civil society input in cases where civil society fears reprisals). Distribute draft minutes to consultation participants and allow participants the opportunity to review and submit any corrections. Incorporate corrections to the draft minutes or publish corrections submitted by participants with the minutes.** Given the problems documented with inaccurate Bank summaries of

consultation inputs, including failures to accurately record civil society input, it is of vital importance that verbatim transcripts be made public of all consultations, including those with government, private sector and civil society, except in cases where civil society groups express concerns for their safety.

- **Make public a report of feedback received, including a matrix of consultation comments tracked against the language included in the draft, with an explanation of how feedback was incorporated or reasons why not incorporated.** The matrix should identify where each recommendation has been used in the draft ESF and provide explanations for the rejection of recommendations not used by the Bank. This has been done in other consultations, including that of the Asian Development Bank.

We welcome a dialogue with your team to discuss the specifics of this proposal and appreciate the opportunity to have a meeting in the coming weeks. Please contact Jocelyn Medallo (jmedallo@ciel.org) and Carla Garcia Zendejas (cgarcia@ciel.org) to arrange a time and location most convenient for you.

Thank you for your time and attention to these issues.

Signed,

Access Bangladesh Foundation - Bangladesh

Accountability Counsel – USA

ADD International – International

African Law Foundation (AFRILAW) – Nigeria

Alyansa Tigil Mina (Alliance Against Mining) - Philippines

ARTICLE 19 - International

Bank Information Center – USA

Both ENDS – Netherlands

Center for Advocacy, Learning and Livelihood Foundation of the Blind Inc. - Philippines

Center for International Environmental Law (CIEL) – USA

Centre for Applied Legal Studies - South Africa

Coalition locale de la commune de Tiddas (Tiddas Community Coalition – a network of 10 organizations) – Morocco

Community Policing Partners for Justice, Security and Democratic a Reforms (COMPPART) - Nigeria

Derecho Ambiente y Recursos Naturales – Peru

Ecological Justice - Indonesia

Egyptian Association for Collective Rights -Egypt

Egyptian Center for Civil and Legislative Reform –Egypt

Egyptian Center for Economic and Social Rights - Egypt

Egyptian Initiative for Personal Rights – Egypt
Equitable Cambodia - Cambodia
Forest Peoples Programme - UK
Forum of Dialogue and Partnership in Development –Egypt
Fundar, Centro de Análisis e Investigación - Mexico
FUNDEPS - Fundación para el Desarrollo de Políticas Sustentables – Argentina
Gate for Culture and Development- Morocco
Gender Action - USA
Government Union for the Integration of Differently-Abled Employees (GUIDE) – Philippines
Inclusive Development International - International
Indigenous Peoples Links (PIPLinks) - UK
International Accountability Project -USA
International Rivers - International
Le Réseau Marocain de défense des biens publics (Moroccan Network for the Protection of Public Money – a network of 44 organizations) - Morocco
Le Réseau Marocain pour le Droit d'Accès à l'Information (Moroccan Network for the Right to Access Information) - Morocco
Lumière Synergie pour le Développement - Senegal
Maryknoll Office for Global Concerns - USA
Medical Mission Sisters/Alliance for Justice - USA
Nationwide Organization of Visually-Impaired Empowered Ladies (NOVLE) - Philippines
NGO Forum on ADB – Philippines
OT Watch and Rivers without Boundaries-Mongolia
Philippine Chamber of Massage Industry of the Visually Impaired - Philippines
Philippine Coalition on the UN Convention on the Rights of Persons with Disabilities - Philippines
Public Interest Law Center (PILC) – Chad
Regional Forum for Right to Water in the Arab Region - Morocco
Réseau Camerounais des Organisations des Droits de l'Homme (RECODH)- Cameroon
Sociedad y Discapacidad Sodis - Peru
'Ulu Foundation – USA
Uganda Land Alliance – Uganda
Urgewald - Germany

CC: Hartwig Schafer
Anne-Katrin Arnold
Maria Elena Garcia-Mora
Members of the Board