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DEVELOPMENT IN THE CONTEXT OF OBSTRUCTED CIVIC SPACE:
CASES FROM THE ASIA REGION

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LIST OF PARTICIPANTS

KATELYN GALLAGHER
Civic Engagement Campaign Manager
Bank Information Center

SUKHGEREL DUGERSUREN
Executive Director
Oyu Tolgoi Watch

ANURADHA MUNSHI
Research Coordinator
Centre for Financial Accountability

CARMINA OBANIL
Asia Regional Coordinator
Coalition for Human Rights in Development

MANINDER GILL
Director, Social Development, World Bank)

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Development in the Context of Obstructed Civic Space:
Cases from the Asia Region

(1:30 p.m.)

MS. GALLAGHER: Today and thank you for joining us. So to start off our panel today, I'd like to share a short video, which was put together by Civicus that gives an overview of the context for our session of restricted civic space in the region.

So as the video from Civicus mentioned, SDG 16 recognizes the importance of the fundamental freedoms of association, assembly and expression in achieving sustainable development outcomes. At the same time, the World Bank and other development financiers are increasingly recognizing at the institutional level that engaging with stakeholders throughout the project cycle is a critical piece of development. Civic space restrictions like the ones we've seen here mean that the context in which civil society and communities operate is different in every country and local context particularly as the World Bank shifts to requiring its borrowers to engage more systematically and proactively with stakeholders throughout the project cycle in its new environmental and social framework. The Bank has the responsibility to properly identify civic space restrictions on stakeholders and address the impact of this context on civil society and stakeholders' willingness and ability to participate.

On this panel today, we'll hear from two activists who have experienced engaging with or opposing World Bank projects in very different contexts. We will hear from the larger story of human rights defenders in development. We will hear from the World Bank on what they are doing to identify, address and respond to the different contexts of restrictions on civic space that impact its projects and the ability for stakeholders to meaningfully engage with projects. And we'll present some concrete ideas for what the Bank can and should do to play a leadership role in this area.

So to introduce our wonderful panelists, at the far end, we have Sukhgerel Dugersuren. Sukhgerel spent

half of her working career working for a development agency. She is a self-described disenchanted aid worker and now she leads two civil society organizations, Oyu Tolgoi Watch and Rivers without Boundaries Coalition in Mongolia where she works on mining impacts and transboundary impacts of megaprojects financed by DFIs. Carmina Flores-Obanil, is the Asia Regional Coordinator for the Coalition for Human Rights in Development. Her main expertise are issues of human rights, land rights, indigenous people's rights, women's rights and climate justice. Anuradha Munshi works on Accountability of International Financial Institutions at the Center for Financial Accountability in India and works with local communities to deepen the practice of holding financial institutions accountable. And we have our wonderful World Bank, hopefully wonderful because I assume that you'll give us some great commitments today. World Bank respondent from the Social Development Director -- Director of Social Development, Maninder Gill.

So to start us off, we have Sukhgerel, who will talk about her experience from Mongolia.

MS. DUGERSUREN: Good afternoon, all. So like this Civicus video just now, I thought that you could be in trouble if you are demonstrating, if you are voicing your protests very loudly, your engaging communities and blocking roads, occupying mining equipment, but our experience has -- is that our international coordinator for Rivers without Boundaries, Eugene Simonov was deported or was caused by World Bank Finance Project to be deported from Mongolia just for asking for documents, just for asking to disclose visibility, impact assessment studies and terms of references for those -- for that work. Now Eugene Simonov -- so Eugene Simonov is a doctor of conservation, he's Whitley for Nature Award winner and he's the international coordinator for Rivers without Boundaries Coalition and we work, the organization works to protect the environment. He was deported from Mongolia in 2014. We have written many times, we have written to many organizations including the World Bank, he is still not allowed to visit Mongolia because World Bank MINIS Project is continuing its work on the dam projects.

So just to explain the context, MINIS Project is the Mining Infrastructure Investment Support Project that is to end -- that was to end in 2015, it has been extended to 2019 and since it hasn't produced any international standard compliant documents, it will probably be extended again. So it works on Ag (phonetic) hydro dam, it's a large dam that is planned in up north Orkhon river transfer of waters to OT to TT, OT TT are the big mines that are big not only in Mongolia, but they're going to be number one, number two in the world when they're in full operation and those two mines are in the Gobi Desert and they want to transfer water from the north. Baganuur coal mine extension feasibility study is going to be China's -- the CHP is going to be financed by China. They already started construction. And then the Gobi underground water resource management plans. This area, Gobi Desert, has a dozen large and medium size mines, mostly coal, but a few copper mines.

So as you see, MINIS project is supporting mines and ensuring that these mines have water. So what did Rivers without Boundary want? We wanted to see the terms of reference for feasibility studies, impact assessment work, regional impact assessments, cumulative impact assessments, social impact assessments, all that, you know, we wanted. We wanted to comment to make sure that the projects are better informed. We want consultations with local communities because these projects have transboundary impacts. We wanted consultations in the communities in Russia and Buryatia, which will be impacted. We wanted a dialogue with the project and the project development process. And we wanted World Bank to work together with UNESCO because the transboundary impact was going to -- is going to be on Lake Baikal which is protected under World Heritage Convention. And we didn't see anything criminal, anything that we should be deported for, we should be under surveillance, that we should be called many different ugly names for.

So because of the deportation, we got very angry and we filed two requests for inspection to the Inspection Panel. Now the Inspection Panel reviewed and in both cases decided not to inspect because their MINIS Project is working hard to improve, that it did carry out broad

based consultations both in Mongolia and Russia. One of the complaints that we filed is related to the Gobi underground water resources and government of Mongolia through World Bank stated that, you know, underground water resources are strategic resources and therefore for purposes of national security, information will not be released.

Now the MINIS Project has a mandate to carry out consultations on the water resource management with the local communities. But regardless of these, the Inspection Panel evaluates the process and concludes that the MINIS Project is fine, there is no need for inspection. So the issues we have here is with the Inspection Panel evaluating just the process, just the process, whether they have carried out consultations, how many consultations and how many locations and have, you know, they put out documents for the consultations before the consultations. And here were sort of recommendation is, probably maybe not recommendation, I'm not very sure about that. But when information disclosure that they require disclosure of important content, there is information disclosed, but it does not disclose any findings, methodologies used, calculations used to inform the conclusions. What is disclosed is conclusions with no justifying supporting documents. So when we ask for disclosure of information, we would like to also see how they arrived at these conclusions and actions programs.

In terms of consultations that they require consultation on negative impacts. What we have now in Mongolia is consultations that are selling the project. Especially in Mongolia context, local government is told to support the project, is told to make sure that the community does not raise any issues. So it is very important in -- especially in transboundary context when you have two or three countries and the political issues of one country wanting to build a huge dam and the others, you know, saying, you know, you are going to affect us, that the consultations do not have political content. Like in the consultations, in Buryatia, the Mongolian project because this project is Mongolian, considered Mongolian project, so the Mongolian project opponents were using political content to make Russian community, Russian

stakeholders uncomfortable to criticize. Appealing for, you know, example would be Mongolia is a such a poor small country squeezed between two countries and we would like to have the rights to exploit our own water resources without the big guys pushing us, manipulating us type political content. So these are the three things that we would really want World Bank and the World Bank to consider because using World Bank resources, under the pretext of consultations, private sector is actually using a road show for a project, you know. And that is absolutely not appropriate and sell it to us as consultation with local communities.

The second complaint is related to underground water resources. It's in Gurvantes, closest to China border settlement. It has six coal mines and two more coal mines are coming up. (Inaudible), the young man in the upper photo, was the biologist of Snow Leopard Foundation and he was killed for being instrumental in taking Snow Leopard habitat under protection, under nationally protected area. His struggle is continued by the ladies below. (Inaudible) is one of our complainants. And all they're asking for is information and what their water resources, how much water they have, how they are being impacted. And World Bank and government of Mongolia think they have justification to classify such information. And that is all. thank you very much.

MS. GALLAGHER: Thank you, Sukhgerel. So as you can see in the context of Mongolia, the mining sector is particularly political. While Mongolia according to the Civicus monitor, Mongolia is classified as obstructed civic space, which means it's not closed, there is space for civil society to operate; however, that context is different in the mining sector, when it comes to the mining sector. These things that the communities were asking for consultations that were actually meaningful on the impacts of the project and access to the information about the project's impacts are things that should be essential to the project design and the project implementation. However, we have seen that the context of this politicized space in Mongolia really meant that those essential components were not available to those communities. So this is a case where it's really

important for the World Bank to go into that situation, understanding the context of the project and the context of the contextual risk of the civic space situation, not just at the country level, but in also sector by sector how that differs and how the sectors specifically will impact on that civil space. So next, we will hear from Anuradha from her experience in India.

MS. MUNSHI: Hi. I would speak about the Indian scenario currently. Obstruction of civic space has always been a phenomenon, but what has particularly changed in the last five years since the new government came in, the Modi government came in is how structured and aggressive this obstruction has become. Let me just get into the five year history of it. It started with the clamping down of CSOs and NGOs and there were many grounds that -- under which this clamping down actually began, one of them being CSOs who were receiving foreign funds and seeing that as a collusion of the western narrative. There were many, many grounds used clampdown civil society organizations.

Secondly, the targeting and silencing dissent has become a norm in this current scenario. From murders of activists who are unearthing information through the Right to Information Act, which is -- which the civil society organizations and communities fought together for many years and was successful in bringing out. But unfortunately using and accessing this legislation is costing them their lives. To the murders of journalists having dissenting opinion, to attack on judiciary or on creative expression of dissent by attacking writers, academicians, poets, basically anybody with a difference of opinion from the dominant narrative. There has been a complete unwritten crackdown on the right of expression, the right of association and right of dissent clamping down the democratic space that was available to us.

Thirdly, the targeting of minorities, lower caste communities has also become rampant. Be it the antinational debate or be it using sedition laws or using cow vigilantism to target minorities and lower castes. These are all different grounds under which dissent is being clamped down on. The fact that there is absolutely

no effort from the government either to investigate, check or comment on the situation speaks volume of their intent and also their complete disregard for providing democratic spaces. So this is the general scenario under which the civil society is operating, under which the communities are also descending within this shrinking space.

We remember the President of World Bank came to India in 2016 and he declared himself a fan of Modi himself and of his vision. The fact that that kind of a statement was made by the President of the World Bank also somewhere endorses the politics World Bank is ready to accept and validate. Just to bring in, I'll just bring in a few examples of this. I would like to particularly talk about two projects; one is the Amaravati Capital City project. It is -- there is a new state that has been formed, Andhra Pradesh, and they are developing a new capital for that state. And this is the Chief Minister's pet project and World Bank has proposed to fund this project. Now this project has been marred by serious social and environmental issues. One, it is located right on the floodplains. It is -- that area is also locally called as the food bowl of the region. So you are actually destroying the floodplains, the food bowl and building a city over there. And there are a number of communities who are affected from the landless workers who are working in the fields to landowners to Dalit communities, the lower caste communities who are being impacted by this project and also the huge environmental disaster that this project is going to cause since it is located right on the floodplains.

The communities who are going to get affected by this project went on to complain to the Inspection Panel. When this complaint was filed, the Chief Minister of the state came out with a statement that people who are reaching out to Inspection Panel or complaining to World Bank, they should be criminally prosecuted. This was covered in all major newspapers, this was all over the place. These were verbal threats being given out. And the fact that World Bank chose to remain silent on it speaks volumes of their intent and the message they want to give out to communities. This is threatening from the Chief Minister of a state, I mean, the elected head. And

if World Bank chooses to remain quiet on this, the kind of intimidation that people feel on the ground is something that we can understand.

Secondly, on consultations. We have seen a number of these consultations happen, our friends from Mongolia also spoke about the fact, the way these consultations are conducted. I would like to just point to another fact and I will give a reference to a thermal power project that is built on the coastal city of Gujarat, it's called the Tata Mundra Ultra Mega Power Project. So in this project, fishing communities were affected who are fishing on the coast of -- on the Mundra coast, but they were not even identified as effected community. And when complaints were filed with CAO, the kind of explanations that were given like they were temporary, they had temporary settlement there and they are not like really affected because they are not residents of that place. In spite of the fact that nine months they live on those shores, they fish on the shores and that is their primary source of livelihood and yet they were not of identified as effected community. Now the fact is that if people are not even identified as an effected community, how do we then come to the question of effective and genuine consultations. There are other scenarios in which consultations happen with local police forces around. There are hardly any representatives from the community, only a few pictures are just taken and they are almost like sham consultations that happen. And the fact that there is no comment on that, we are really skeptical about the whole intent of having meaningful consultations when the situation on ground is very different.

Lastly I would just like to say that World Bank promotes a certain development model, which innovatively encroaches upon community resources, natural resources like land, forest, water. Communities who are dependent have no other option than to register their dissent in order to protect those resources. Bank being silent on such dissent is promoting the development model at the cost of human rights and every other values that they claim to be upholding.

MS. GALLAGHER: Thank you, Anuradha. I think that one of the things that we often hear when we raise these issues with the World Bank is that the World Bank is not a political organization. But I want to -- I think that, Anu, what you've shared really shows that when the World Bank stays silent on issues where -- on cases where there has been threats made against people who are bringing serious issues forward and, you know, maybe at the risk of their safety or at the risk of their livelihood that taking no position is a political position and that's also shown by what the President said that he's a fan of Modi and supporting those policies. So I think that, you know, the World Bank in its engagement with governments does really have a lot of leverage and it has a position to be able to be supportive of the importance of a vibrant strong civil society. So that's, you know, when the World Bank is engaging with governments, that's an area where it really can show leadership by example in its own engagement with civil society and in talking to governments about how they can engage with civil society and communities in a positive way.

So next, we will go to Carmina to hear from you about the bigger picture. So looking not just at the case level example, but looking up at the broad picture that the issue of retaliation is not just a one-off case.

MS. FLORES-OBANIL: Okay. Thank you, Katelyn. Actually what Sukhgerel and Anu shared, we also found in the research project we conducted. So what I'm going to share with you is the global trends and the recommendations that we gleaned from that research project. So actually the research project is an initiative of the defenders in development campaign. The defenders in development campaign is actually a very new campaign because we have this because attacks on defenders in development, people who are trying to protect their communities are really increasing worldwide. So this is a campaign spearheaded by our organization, the coalition for human rights and development and it's a global coalition as well.

So what we did to us is we documented 20 case studies. So, okay, this is where we conducted the case

studies. So these are 20 case studies wherein if you will look at it, if you look at it more closely, I'm sorry, it's a bit smaller, you will look at it, the projects were different. There are hydro projects, there are road projects in some cases, there are land administration projects. The development financial institutions involved are different in these cases and it happened in different countries, in different regions. What is common though among all of these case studies is that threat and attack happen to individual and communities, these defenders in development, who requested information like you did, who dared to question the process of how these projects came about, who demanded meaningful consultations, participation, underscoring the importance of getting consent, the communities affected. And then for those of course who oppose these projects because of its potential adverse effects to the communities and the individuals in these communities.

So in this study -- so based on the study that we can conducted, we found at least four links. A connection between the threats and attacks against the defenders and the development activity, so it takes several forms. First is when development projects with possible adverse impacts are imposed in the communities without consultation. Of course people would ask, how do we participate, things like that. So when this happen, you put the communities at risks, then the threats will happen because they are asking for information, they want to participate in the process.

The second one is when restrictions of fundamental freedom of association and assembly, when there are restrictions, then it also means that in the process there will be criminalization of indigenous people or environmental activist. This is used to silence the opposition. This is what we saw in this study that we conducted or to actually deter scrutiny of the project.

The third one is when the investment is already benefiting the government or the investors and the opposition continues, then the threats against the defenders also increases. That's exponentially related to the investment and the benefits that they're getting.

The fourth one is, when threats and attacks against defender happen, it threatens the ability of the groups, affected groups to participate and they will also benefit. If indeed there are benefits from the development projects because they're questioning it, they will not benefit from it at all.

So why are these attacks happening? In the case studies we did, we observed actually that the threats and attacks progresses as demands for information, consultation, participation continue. It will start with smear campaigns, sometimes delegitimizing the oppositors of the project, stigmatization in the community. It starts with that and then it will progress to more overt threats and intimidation to outright violent repression and attacks to killings of defenders in development. The case studies we have that.

But aside from that there are also other forms up suppressions as Anu mentioned. In some areas, there is militarization. In some areas, there's a crackdown against journalists, media that are reporting on the adverse impacts of development projects. And in some cases, there are legislated and legal restrictions. So travel bans, freezing up assets of development defenders. So that's -- these attacks are happening because of four major reasons, that's what we saw.

The first one is in adequate attention to human rights impacts. Kate mentioned this as well, so more often than not, the projects come in blind to the contextual risks in the area. So they're not aware what issue should they examine, we should be consulted or if they know sometimes, they ignore it. They're also not aware of third party actors, so probably this company has a bad reputation already, but in some cases they're still allowed to get development finance. So because you're blind in the contextual risks, you also miss the social and human rights impact. You have a tendency to underestimate the possible adverse impacts of these development projects. And again related to the third point, then it would be difficult for you to put in mitigation measures and to prevent these adverse social and human rights impacts.

The second one is that projects are imposed without consent or consultation as both of you also shared. So no meaningful consultation, sometimes there is too little consultation, sometimes it's too late, the project is already there and then sometimes there is no enabling environment for them to participate, sometimes they're intimidated, manipulated and fear is used really so that they will not push for participation. So in the process, of course, these defenders in development, these communities, these effected communities are left out.

The third one is inadequate attention to the power imbalances, the dynamics at the ground level and how vulnerable the communities and defenders are when investments come in, in these areas. So when you look at it, when we look at the study that we can conducted, the communities and vulnerable groups, they're required to bear the costs of this development project while the investors of course benefits. So of course this will spur conflict because here are like creating some winners and losers in the process while another benefits, another losses, of course will spur conflict. Of course part of it is sometimes really the communities, the power imbalance as I have mentioned, they lack the capacity really to, really not just the capacity, if you don't have the information, how do you negotiate. So it actually starts there. Lack of information means that you cannot really participate in the whole process.

The fourth one, again Anu mentioned this, is that sometimes the development financial institutions really turn a blind eye or stay silent on this reprisals against the defenders in development. So actually they have the leverage because they're giving the funding. They could actually put in some policy there that will really protect this or that will really prevent or mitigate this possible conflict between the communities and between these investments. So they're not effectively responding. Sometimes they're not effectively responding to the threats and attacks. It has been reported, there is a recommendation coming from the communities or from some civil society organizations working in this, but they don't act on it. Okay.

Of course this is not saying that the Banks are always part of the problem, sometimes there're really cases as well, we've seen examples when banks are really trying to mitigate, to mitigate the risk and to respond to stop the reprisals against defenders in development. So we came up with recommendations again based on the study that we have because what we want is for the banks to be really more responsible and to do more of with this trying to mitigate the risk and responding to preventing the attacks against the defenders.

So these are our recommendations. The first one is to avoid the activities and policy prescriptions that will produce significant human rights impacts. This is coming from a review that was already conducted on the World Bank ES Framework. So in cases of land where there is land grabbing, involuntary resettlement, we've noticed that really the attacks against defenders increases. So if they can put policy prescriptions that will really address this, it would be good.

The second one is to independently verify that projects have secured and maintained pre, prior and informed consent, not just pre, prior and informed consultation. This is very important especially when you talk of indigenous people and social domains, it's really respecting because in that -- and social domains are really part of the identity of the indigenous people. So it's really respect that you need. And sometimes we've seen that in cases when investments come in, sometimes what happens is they are repeated against each other because the benefits are shared through some part of the -- just to really spur opposition and just to push the project through. So we hope that they can do independently verify that this is really done and that this is -- they're supported by the broad community. Okay.

The third one is, we wish that you would adopt a policy commitment on human rights and zero tolerance for appraisers. So this would mean that you would really require human rights due diligence, identifying and mitigating human rights and appraisal related risks

including assessment of enabling environment and the contextual.

The fourth one is, you can actually use your leverage and include contractual provisions requiring respect for human rights and reprisal prevention measures as well as investigation and prosecution of these attacks.

The fifth one is systematically monitoring projects for reprisal risks and ensuring that communities have access to information without fear that they will be attacked because of this.

The last two is adapt a protocol corresponding to threats and attacks. And when we say protocol, we hope that you could have written one that could be used by people to see what the remedies also for them. So this would -- but we hope that you will, when you do this, you could consult with the defenders in the area, especially if you are groups that are working and promoting defenders, the protection of defenders.

The last one is, you hope that you can reiterate the importance of an enabling environment for safe and meaningful public participation. Thank you.

MS. GALLAGHER: Thank you, Carmina. So it's clear that there is a need for development institutions and there is space for institutions and particularly the World Bank Group as a leader among these institutions to take this issue of retaliation against project stakeholders and the issue of restrictions on civic space very seriously and to implement these recommendations that Carmina has mentioned. And actually this week the International Finance Corporation, the World Bank's private sector arm released a statement on retaliation against civil society and project stakeholders in which it acknowledged that civil society organizations and project impacted stakeholders must be able to provide feedback, voice opposition and raise concerns with our clients and with IFC when necessary to ensure that environmental and social impacts in IFC finance projects are avoided, minimized or mitigated and that the project achieves its intended development impact.

And IFC is committing to create specific protocols and staff guidance to back up this commitment to zero tolerance of retaliation. So we would call on the World Bank to follow the lead of the IFC in immediately acknowledging the risk of retaliation against project stakeholders, beginning to put in place contextual risk assessments of civic space and retaliation risks at the country level and the project level and taking concrete steps to create systems and to avoid and mitigate those risks. The rollout of the new environmental and social framework which just started 10 days ago includes new requirements for borrowers to engage with project stakeholders in newly expanded ways. And this new ESF presents the opportunity to include and create additional guidance and good practice notes for adapting stakeholder identification, consultations, monitoring and grievance redress mechanisms to be appropriate and more suited to contexts of restricted civic space depending on the assessments of those risks.

So with that I think that we've all laid out a lot on the table for the World Bank to respond to. So I will turn now to Maninder to tell us what the World Bank will start to do to accept this responsibility.

MR. GILL: We'll start to do from today. So, thank you very much to all the three speakers, I think, for your very, very powerful, very insightful and useful observations and findings. As you -- hopefully all of you know that as an institution, the World Bank has been committed to very strong focus on participation, consultations for almost at least about three decades. The first participation sourcebook came out in the early '90s when I joined the Bank. So it has been kind of one of the foundations on which our development work over the last three decades has been built. Also we had consultations built into many of the policies, the safeguard policies, the so-called safeguard policies of the Bank. We've had kind of some more ad hoc, but most of the safeguard policies had provisions for consultations on terms of reference, then on final assessments, then on mitigation plans, then during monitoring, but not on a consistent basis and across all policies.

So the new ESF does change that because for the first time and that's an important takeaway for all of us here, so it's important for all of us to recognize that, you know, the continuum of our willingness to improve the way consultations are carried out in products supported by the World Bank. In that continuum October 1st was like a watershed, things changed significantly. Now it's not, you know, in some policies, in some context, to the best of our ability et cetera. Now there is a separate standard on this on one of the environmental and social standards is on stakeholder engagement, we are required to identify all key stakeholders. Based on that prepare a stakeholder engagement plan, which is disclosed, which gives anyone the ability to say, you forgot some key stakeholders or you did not, you know, this particular group or this particular community or this particular individual is a key stakeholder and there is no mention of that. So there is a much more systematic effort now to engage, which will be effective only if all of us in this room also take on that new responsibility. So, you know, we do need to -- so it's a plea to all of us and all of you that please do take that as a watershed moment and do hold us accountable to this new requirement. If stakeholder engagement plans are inadequate, incomplete, not totaled with the context, do point that out and say, this is not good enough because there is a consultation on the stakeholder engagement plan and it needs to be disclosed. So that's a very important moment.

And our standards do the new standard and the current policies to the extent that they had consultation participation, are required in each and every project. So it's not that, you know, if there is less openness to civic space, then, you know, you can do a mini version or an abridged version in a more open place, you can do more. The requirements are the same which is again a very powerful entry point that you and all of us, all of you especially can hold the Bank accountable for upholding the same standards in every context, which would be harder to do in some context, but the standards are the same. So there's no pass or no buy where the context is more, more difficult.

I'll address some of the some of the issues you raised. There is also kind of the other side of the spectrum where many countries, many borrowers are proactively actually doing more than we're asking them to do. So as most of you would know, we have a country partnership framework, which is prepared on a rolling basis every three to four years, we prepare country partnership frameworks. And many countries are saying as part of that framework, we want to have a roadmap for citizen engagement of how we're going to consult citizens in different sectors, in different parts of the economy. So those are being done proactively, although there's no World Bank policy on that, there is no requirement, some places are doing that. Then there are some context, which are not historically known for citizens outreach and citizen engagement. Places like Uzbekistan, which have also from a somewhat or quite a modest base over the last three or four years in the context of the work on cotton, they have come a long way, you know, they saw the benefits of stricter monitoring of child and forced labor and now they've started a grievance address system across the country proactively without anyone asking them, requiring them to do so. And of course it'll improve as time goes on, but this was a voluntary act on their part saying, we want to give an opportunity to all citizens across all sectors to feel free to register their grievances so that we can do something about it. So I just wanted to point out that while there are places where a lot more needs to happen and things need to be a lot better, there is also - - there are places where there's a lot of positive news. And, you know, we can go into that in more detail later, but just wanted to flag that.

Fully agree on this, you know, the need for information disclosure, flagging risks and it's a very important point that was made that consultation should not be a sales job, consultation, every consultation needs to have a specific discussion on risks that even in the best project, you can say here's a great project, you know, even some of the examples that were given here, those projects have some very positive elements, but they have some risks. So it is important to focus on risk specifically and it doesn't always happen. So that's a good reminder to all of us that that needs to be a

specific element of consultations.

We also have a disclosure policy as an institution, whether it's terms of reference of the work that we fund and support or it's draft assessments or final assessments. So in situations where those disclosure policies are not being followed or you feel that they are not -- believe that they're not being followed, you can reach out to us also to say, you know, as per your disclosure policy, this thing is required, it has not been out there, can we have a copy and why is it not out there. So that's another element that we do have a disclosure policy, we are -- all of our products are supposed to follow some requirements, it is important that we are held accountable to that. So, you know, in a way throughout my few minutes, I am going to call upon all sides to play their role very seriously. You know, so it's not that, you know, the World Bank is going to make someone consult more, be more open, disclose information, share information and then, you know, we are all, you know, passive kind of recipients. For us to get better, for us to do better with our clients given that we support and fund projects which are owned by them, designed by them, implemented by them, monitored by them, we are a financier. So, and yet we come in with very stringent, strict, non-negotiable requirements, but we do need help, eyes and ears on the ground of partners, of allies such as yourselves so that we can all work together.

It's not going to be, so you know if we all walk out of the room saying wow, the World Bank now has six more commitments and we are going to now receive all this stuff, it's not going -- that's not the right way to look at things. If you walk out of the room and say, boy, I need to do more also to hold the bank accountable or hold the project accountable and make sure that all that is written in these policies is actually complied with. I think we have a better chance of getting better outcomes. So that's my plea to you. It takes two to tango and actually it takes many to tango in this case, but for things to get better, you also need to get your act better together and we also need to do a lot more better and differently. So it's not just us changing the way we work and you doing, you know, whatever you are doing and things

will get better, they will not get better that way. And, you know, all of you, many of you are actual friends in the audience, so and those who aren't, I see you as friends. So I think it's important that we also have honest speak in this conversations and not that, you know, it's not a one sided thing. And I'll tell you some specific areas where you can actually hold us accountable.

There was also mention of the Inspection panel. We have our Honorable Chair of the Panel in the audience. So for us the panel is the gold standard. So when you say that you brought something to the panel and the panel did not do X, Y or Z. I, you know, having been in the World Bank for 25 years, I would ask you or I would -- without knowing the detail, I would then start questioning whether your request was actually founded on our policies or it was framed correctly because I can't imagine the Inspection Panel ever kind of not following the gold standard on these things. And if you ever feel that, I think our Chair is there, you should so perhaps on your behalf, it will be good to bring that out that the panel did not, if they did not react or respond in the way that you expected. But we have our policies and the panel's job is to make sure that we are -- we as an institution are implementing our policies the way they are meant to be. That's -- but our policies are in a way they are terms of reference. So if your expectations are different from and more than what is in our policies, you may not get what you want from the panel. But again I will leave it to the panel, I don't want to get into that discussion. But just to say that for us, the Inspection Panel is the gold standard, we've never been -- we've always learnt from all the cases on consultation, participation, stakeholder engagement from what the panel has said. We may have a times said, oh, this is too much, but we've never thought, oh, this is too little, the panel should actually make us do more. So they are really a gold standard and we should make use of the fact that we have a long established and respected inspection panel.

I will be able to go into the Amaravati case in that much detail. All I would say is that whatever is the requirement of having a comprehensive environmental and social impact assessment where all these things need to be

looked at, those are being prepared, will be disclosed, there will be opportunities to challenge those elements that are in there. There's already an Inspection Panel case in Amaravati where all of these things will be looked at. So again regarding not going into the merits of the case, there are all the ingredients of what it would make to make sure that the project is designed and implemented properly. And it has not been approved by the bank yet, you know, so let's see how it goes. It still -- it hasn't reached a milestone where we have made any firm commitment. There is also an ongoing Inspection Panel. And the points you say are all very valid points and those are points that need to be looked at.

I will mention that on known retaliation, known intimidation, that is taken very seriously by us, also by the panel. In every case that we have where someone brings an inspection panel complaint, one of the things that we discuss or we are told also which is a good thing is that please make sure there is no retaliation against complainants. And there is always that pressure. So we can't deny that and we should not deny that, but we don't take that lightly, we do make our voice heard. And in all cases where there have been instances, we have made it known, we may not go, you know, we may not go public on that, but we will, you know, we do make sure it is taken very, very seriously by our board, by management, by the Inspection Panel. So if there is any -- again if there are any specific concerns, happy to discuss in more detail at another, you know, after this session or at any point over the next few days.

So how can you help us? You know, and there were again points that, you know, we look just at the process, we don't look at the outcome of consultations. I don't think we can, to some extent we cannot look at the outcome of consultations. If the process is followed as it should be and that's where all of you have a really important responsibility. If the process is followed correctly, either there will be good outcomes or if there is some risk that some bad outcomes are coming out, they will be called out, they will be exposed, but that will happen only if we can work together to make sure that the process is followed properly, which means that all

consultation need to be meaningful. So if someone is threatened, there is intimidation, they are, you know, held in places which are not considered safe by some where they can't speak out, those are not meaningful. And it is important for you to say even if we miss it that this is not meaningful, this was just a sham, so that's one that's one point. Then closing the feedback loop is very important. So in any consultation, people will make, there will be all sorts of very genuine assertions and points, some maybe a little bit unrealistic, unaffordable, whatever, but the only way you can sort those out is by closing the feedback loop, by saying this is what we heard, this is what we have taken on board, this is what we are not able to take on board for the following reasons. And you have every right to demand closing of that loop, saying, we had those 10 consultations, please tell us what were the objections that were raised and how have they been responded to, that's your right.

Now if we don't assert that right, if we don't say we absolutely want that, then we are in murky land. Then, you know, then someone will say, we made some -- our points we're not listened to, then someone, proponent will say no, no, they were all saying all meaningless things, they didn't make any sense. We need all of that to be documented, that needs to be in an annex. And then a summary of that needs to be in the project appraiser document that the Bank prepares that goes through the board where our board members can say, here are some key things that stakeholders said, which Bank management did not take into account for the following reasons and then they can make a determination whether to support the project or not. So one thing that all of us can do together much better is to make sure that the process of consultations works as it is intended to work, you know, it's a fairly discreet and neat process. I mean, the context is messy and the situation is very complex, but the process is very clear, they need to be meaningful, very clear definition of what's meaningful, feedback loops need to be closed, documents need to be shared in advance, that's all part of definition of meaningful.

In the new ESF especially, if there is a sense that these are not going to be fair consultations or

people's voices is going to be stifled. In fact now the Bank can join these consultations as an observer. In situations where you feel that some stakeholders may be intimidated, may not be willing to speak up, there is also room for confidential consultations. So if we get a letter that, you know, I can't speak up in a public meeting, but I have some issues, please feel free to mention that in a confidential manner and we will fully maintain that confidentiality and reach out to you in a confidential manner. So again these are avenues which are available as part of what is the due and the correct process of doing consultations and we need to make a commitment to follow that. If we don't follow that, then it is one person's voice against another, someone wanted a particular outcome et cetera. So you can hold us accountable to this process, which is a shared responsibility.

And again to close, there's a lot that we as an institution have learned and we are trying to do better with each passing year. Every inspection panel case or most of them are another reminder on how we can do things even better and we try to do that. The new ESS10 is a reflection of all of that institutional learning and now it's there and it is our shared responsibility, yours perhaps more than even ours to make sure that ESS10 is followed as it is written. It's not going to happen unless all of us in this room are willing to be really active partners in this. So I'll pause here and then come back later.

MS. GALLAGHER: Thank you, Maninder. So I think for one thing, you know, all of us recognize and we've certainly played that role of engaging in the tango, but one thing that we really wanted to highlight in this panel is that, yes, you know, all of those mechanisms are there, all of those requirements are there and they do need to be used by civil society and communities in order to be effective. But how can they be used effectively when civil society and communities are put into a position of weakness because of the restrictions on the civic space that they have to participate. So I think that's really the main message that we want to give in this panel is that, you know, that needs to be considered through risk

assessments and ways to adapt those mechanisms and those requirements so that they can be more accepting of these different contexts. And I think that the couple of things that you mentioned like the confidential consultations, the Bank joining consultations as observer, I know that also in the new ESS10 there is some situations where independent third parties can be appointed to conduct things like stakeholder identification, which might be very sensitive for a borrower to do in contexts where there is retaliation from the borrower to complainants. So I think those are some things that we're talking about that need to be, you know, above and beyond the usual from the Bank in these situations of close contexts.

MR. GILL: Yeah, you know, I should have mentioned that sedition was an excellent one, which I had not reflected on as much as we should have that to have a risk analysis as part of the stakeholder engagement assessment that what is the risk that things may not, people may not be able to speak up, I don't think we -- yeah, we can do more of that. So that was a very good suggestion. And I think there also one role that those of you in this room can play is that you could be the voices in such situations where you feel that this is a context in which it's very difficult to speak up, you could also help bring that message out so that we are more cognizant of that as we go in.

MS. GALLAGHER: Thanks. And I'd like to give just the panelists one minute to also maybe respond back to some of the things that Maninder has shared.

MS. MUNSHI: Just a couple of things. It's slightly disturbing to us that you just pointed out that at the end of the day we are a financier. I mean, we would like to just say that World Bank is a multilateral development bank and the existence of the Bank is for development projects. And if you take out -- that aspect out of it and look at your role as a financier, it is hugely problematic. We do understand the civil society needs to come forward and talk, but the fact is it should not be of onus shifting because as you said, understanding context of each country might not be possible, but civil societies operate in a certain context, communities

operate in a certain context and if the entire onus of reaching out is shifted to them, it is problematic. Also in terms of retaliation, you said that you might not go public with the statements or taking care of that, but the retaliation, it is at a public level, so unless and until the Bank comes out in public, makes those statement, makes itself very, very clear, I don't think the situation for people on ground will change. It will -- they will still experience that retaliation. Thanks.

MS. DUGERSUREN: Okay. I also have a couple of things. Again you also pointed out that the process is important and the process is very clear, but you also agree that the context and the content a little messy. So we would like the content and the context to be clear. And your projects and the borrower are made aware only after complaints are filed that the Banks go out and give training to the projects and government officials on safeguards policies. So if that would improve, that's one thing. Another thing, when it comes to inspection, I wanted to say that there is difference between helping management close its management gaps, you know, when they're managing the projects and holding management accountable for compliance with its policies are two different things and the way, it's my personal perception, see how the inspection panel had handled our request for inspection was help management close management gaps. That's another thing. And I also want to comment on you saying World Bank being a financier, but you're also a Bretton Woods institution and thus you are supposed to finance development and you're supposed to make sure that your projects are in compliance with U.N. conventions because most of all your borrower countries are members, have approved, ratified at these conventions and you do have an obligation to remind or encourage your borrower to stay compliant with international development commitments. Thank you.

MS. FLORES-OBANIL: Okay. What struck me when you gave out your responses, if the process is followed correctly and the problem is in a lot of cases that's the problem, you might have good environmental and social framework and you might have all of these guidance notes and actually in some of the guidance notes, I know that we

have sent some comments as well to really improve it, to make it really more responsive to what we have seen in the ground and what our partners and members have seen in the ground. So for our part, I think a lot of civil society organizations and even communities are really speaking out now. And I think as the World Bank, as a World Bank Group and I want to quote Spiderman, with great power comes great responsibility, I think great responsibility rest under the shoulder of the Bank. As Sukhgerel mentioned, you are not just opinion share, yours is a group that has been organized to really spread development.

So we also want development, but we want development that will not harm people, that will not put people at risk and we're willing to work with you on that. So we think that that power, that great power that you have because can actually really be used as a leverage to demand human rights risk assessment, to demand that this borrowers follow your rules because even if you have very good rules, if these are not followed correctly, we will come back, then the communities will always be at risk, then attacks on defenders will always happen. So -- and I hope that you could use that as a leverage to protect people and communities and to really push development that will matter and help people.

MS. GALLAGHER: I would actually just take a couple of minutes. So just have a couple of minutes for questions, if you wouldn't mind coming up to the microphone in the middle to ask. And we can take just a few. Go ahead. We can take just a few in this round and then I think we probably unfortunately only have time for one round of questions and then will let Maninder and others respond to those to that round. Thank you.

UNIDENTIFIED SPEAKER: My name is (inaudible). I am from Institute for National and Democracy Studies and also as the National Organizing Committee for people's global conference against IMF World Bank, Indian (inaudible) valley. So thank you very much for your presentation because you can clearly put what is the positions, what we call the shrinking space of the democratic for people. And we really understand this position because Indonesia also is a one country that have

the biggest loan from the IMF and World Bank and we have a very long history and also very much learning in the ground that a lot of program from the World Bank itself gives bad impact to the communities.

And now especially I like to raise specific conditions that regarding on the shrinking space for the people, today I don't know if it's from the World Bank is happy to hear that, now Bali become the most militarized area. Why. because the annual meeting of the World Bank and IMF held in Bali. We know that the security, there are 22,000 military and police that deployed in Bali just to secure the IMF, World Bank annual meeting, I don't know you are happy of this. But at the same time it also give us a description that IMF and World Bank when they come to the one country, it's like a ghost, they need to be secure for all the people, from all the people, so that's why our government also ban all of our public activity.

Today the government of Indonesia through the RRI auditorium have decided to ban our people's global conference just because this conference will talk about against IMF and World Bank. I don't know you are happy or how you can put your face in this kind of situation. Another really interesting about your -- how you say that we are all have the role to make this condition better and now I would like to challenge, what is actually the role of World Bank in this kind of the situation. I really don't believe that World Bank have any good role of this position, but if you are really have spirit to be challenged in this situation, I'd like to also to ask you, did you really have a role to make these conditions better because, yeah, our government said and also the police said for this annual meeting of IMF World Bank, there is no public activity that allowed -- that be allowed in Bali, so that's why they ban our event.

So under the name of the people in Indonesia, you talk about the democratic space, but at the same time in the biggest meeting of how to say, economic and financial under IMF World Bank, the democratic space of the people here in Indonesia when you are coming is ban directly. So the second challenge is if you or the part from the World Bank and IMF want to really see what really

face of the country like Indonesia that you have a big partnership here, I invite you to come to Denpasar tomorrow morning at 9 a.m. in the auditorium of RRI. So you will see how the government and police and all the people towards like our initiative to rise up the condition of the people here in Indonesia and many other countries.

MS. GALLAGHER: Thank you. Go ahead.

MR. BISWAS: My name is Ramesh Biswas. And my question is probably natural being an architect and open planner doing sustainability projects all over the world that in meetings like this, when I see people who work in development, they talk about, they use the word space, but they are only talking about political or financial or maybe even social space, but not about actual physical space, but that is where democracy came about. I mean, whether it's the women's movement, suffragettes, trade unions, workers' rights, environmental rights, it arose on the streets and squares. And today what we're seeing is radical reduction and suppression of that public space, physical public space where this can happen. So you have all, well, commercial interest of course, closing off of spaces or converting it for cars and for roads and stuff like that and whenever there is any kind of -- in most Asian countries, but also in Britain with cameras, with surveillance that you are actually reducing the very basic free space that makes it possible for people to express themselves on all these political aspects. So when you're talking about urban development and when you're talking about any kind of like forward looking, you know, smart cities or any kind of like sustainable urban change, this is one aspect that you all have to think about as well, actual physical space. Thank you.

UNIDENTIFIED SPEAKER: Good afternoon. I'm (inaudible), I'm from Friends of the Earth, Philippines. We work with indigenous peoples. I have one recommendation and one question. My question is for next week in Geneva, we will be discussing the legally binding instrument. And some of -- this is the legally binding instrument for the TNCs on human rights. And most of the NGOs are actually pushing for the inclusion of

international financial institutions to be part of that binding instrument. I just like to get your thoughts on this or if the World Bank has an official stand. The second one is a recommendation. Being from the Philippines and working with indigenous peoples in the Philippines, you know that and we all know that the shrinking space in the Philippines has been shrinking more and more each day. I'd like to know whether the World Bank is considering to include as the panel has mentioned ESCR indicators in your safeguards or in your requirements for loans for governments and countries like the Philippines who have shrinking political space for NGOs and communities. Thank you.

MS. GALLAGHER: Thank you all for those questions. I think I'll first turn to Maninder to give us some hopefully answers.

MR. GILL: Yeah, thank you very much for very, you know, useful suggestions in the second round. So very useful and I made some notes and also for the questions and comments from the floor. I think on the -- so this point about going public on retaliation, that's a very good one and we'll reflect on that. I'm going to take that back and see four, five, six cases where we did make our point clear, how publicly we did it or not and why not et cetera. So that's a very good point.

I think on the point about financier is that it's a huge development institution that funds development partly, that's a huge responsibility. And that responsibility needs to be played in each and every project that we support and fund. The point I was making was that a development institution that's funding projects will not be able to take over the role of reforming the society in which it funds a few projects. So as far as those projects are concerned, we have absolute and full responsibility. So it's not that we are saying, sorry, this happened in this project, we're only a financier, not at all. But I think outside of a project in an economy, in a society, a lot is going on and there, you know, we -- there is some limitation to our role. The World Bank or IMF cannot kind of say, okay, you know, we're going to change this society or -- and what standards to follow et

cetera, you get into all those sorts of things. So that's the context in which I made that point. And I think it's an important one for all of us to bear in mind because sometimes we do get questions, which are based on expectations that just because we are working on or does development projects, we should somehow not transform that space and that's just -- it's not a reasonable expectation. And we can discuss that, you know, over coffee or later of how much of a role we can play as an institution.

I think very important suggestions about looking at context, so not just to look at. And there I think the broader role comes in that in a project if all the things are happening, but the broader context is not very favorable, we need to take more cognizances of that. So that's a very important takeaway for me, risk of civic engagement in a given space. So that's very, very important. Then I have some notes, which I can't understand here, so that's -- I'll come back to that later. I think on the point about human rights, it's -- so we just had a six, seven year process in the World Bank debating what should be in our new framework. And the agreement was at our board, the new ESF framework mentions human rights in the vision statement, not in the standards themselves, not in the policy. So in the more kind of aspirational vision statement it has, it mentions human rights and the way we as a development institution interpret human rights is economic and socioeconomic rights, not political rights. So we're not going to be in that space for now, that's very -- and our board has been very clear on that. And again happy to clarify more of that later.

The point about looking at space as part of our projects, in fact many of our urban projects do focus a lot on that and there's a session on inclusive urbanization, I think it's day after tomorrow. So you should be there and you should also pose this question there because that's one point we do push in many of these discussions with clients on projects. And then I think my final point again that holding the Bank accountable, the new framework and the new ESS10 is a game changer. So it does vastly increase your ability to hold us accountable.

So it's my request, plea, invitation to use that new space that has been created. So while some space may be shrinking elsewhere, the space for civic engagement in the World Bank has increased vastly with the new ESF, so it's a plea to fill that space and to be more active in that. But I think this is going to be a game changer going forward and how we will be held accountable and how we will need to make sure that we get it right consistently across all sectors, across all contexts in all projects. So please let's participate actively in that. Thanks.

MS. GALLAGHER: Sukhgerel, you can go ahead and just one minute to respond to that.

MS. DUGERSUREN: Yeah. There was a question about whether the World Bank has any position on the binding instrument for business and human rights and whether World Bank considers itself a business. So I just wanted to make a little note of my observation of World Bank behavior when this discussion comes about is when we talk about social and respecting human rights, you know, respecting human rights in its projects and being more responsible, World Bank says, well, we're just a financier, but as soon as we start talking about immunity of development banks, then the World Bank talks about them being one family with the U.N. So we are very hopeful that they will embrace the fact that they are one family with the U.N. and be more responsible. Thank you.

MS. GALLAGHER: Thank you, Sukhgerel. And unfortunately, we are out of time. But thank you all for this really lively discussion. I hope that we can continue the discussion. Maninder, we look forward to designing a mechanism for contextual risk assessment in the new ESF with you and we look forward to the Bank thinking about how to, you know, make its own public statements on its zero tolerance of retaliation. So thank you all for joining. Thank you to our great panelists. Thank you to Civicus who unfortunately couldn't be here today. And have a good rest of your day. Also if you haven't swiped your badge on your way in, you can swipe it on the way out to let us know that you were here.

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