

Manuela Ferro
Vice President of Operations Policy and Country Services
World Bank
1818 H St. NW
Washington, D.C. 20433

December 4, 2017

Re: Environmental and Social Standards Guidance Notes

Dear Ms. Ferro,

We wish to express our deep concerns with the current draft Guidance Notes for Borrowers recently released by the World Bank for public comment. While we appreciate the opportunity to finally review and comment on these Notes, our understanding of their aim and scope has not been realized.

Throughout the safeguards review process, civil society participants were repeatedly assured that the Guidance Notes would reflect pressing questions and concerns about the ESF. They were also held out as an opportunity to provide greater clarity and crucial assistance for borrowers in implementing a new Framework that embraced extraordinary flexibility in its approach. The Bank's website states that the Notes will serve as a "resource to help explain requirements" and "provide helpful examples." While a small number of the draft Notes refer to resources and recommendations on certain issues, we feel the great majority of the objectives for the Notes are not achieved in these drafts.

As they currently stand, it is difficult to see how the draft Notes can contribute to strengthening Borrower systems, or clearly identify what it is that the Bank requires from its clients. They lack tangible, specific steps for Borrowers to use in implementing the new Framework and fail to put them on notice for how they will be monitored. This is particularly surprising given that even the IFC Performance Standards Guidance Notes provide such steps and information. In another departure from the IFC, the drafts make no reference to human rights obligations or treaty bodies, leaving gaps in the Bank's standards and ignoring an authoritative body of scholarship on implementing social protections.

Rather than provide helpful advice, in numerous places the draft Notes fail to clarify the vague language in the standards—instead introducing new ambiguity that further undermines the binding nature of the safeguards, or simply restating what is already in the Standards in ways that are confusing and inconsistent. The redundancy, lack of clarity, and absence of substantive content in the draft Guidance Notes could therefore serve to further dilute the new Standards and weaken the Framework as a whole rather than provide a helpful resource, as promised during the ESF consultation process.

We believe the draft Guidance Notes should be substantially revised to ensure that the Bank's social and environmental protection framework will not be substantially diluted. We therefore

urge you to seriously consider the detailed comments that many organizations and individuals will submit to you in the coming weeks in order to develop a new set of drafts for public comment, as well as a comment period of sufficient length to enable robust input from civil society on the new drafts. We look forward to working with you to ensure the Guidance Notes and forthcoming Staff Guidance meet their objectives and provide the resources and clarity necessary for Borrowers and staff to carry out their responsibilities under the new Framework.

Sincerely,

The undersigned organizations:

Access Bangladesh Foundation
Accountability Counsel
Bank Information Center
Both ENDS
Bretton Woods Project
Center for International Environmental Law
Centre national de coopération au développement, CNCD-11.11.11
Conectas Human Rights
Disabled People International (DPI)
Egyptian Initiative for Personal Rights, Egypt
Friends of the Earth US
Human Rights Watch
Inclusive Development International
International Accountability Project
International Trade Union Confederation (ITUC)
Jamaa Resource Initiatives, Kenya
Mongolian Women's Employment Supporting Federation
National Union of Disabled Persons of Uganda (NUDIPU)
NGO Forum on ADB
Oakland Institute
OT Watch Mongolia
Oxfam International
Rivers Without Boundaries Mongolia
Rivers without Boundaries Russia
Social Justice Connection, Canada
The Arab Forum for the Rights of Persons with Disabilities (AFRPD)
The Lebanese Physical Handicapped Union (LPHU)
Ulu Foundation
Urgewald

CC:

Board of Directors, Kristalina Georgieva