Comments and recommendations on reprisals for the EBRD Environmental and Social Policy review

The undersigned organizations present the following recommendations within the framework of the Bank's policy reform process, related to how the Bank manages retaliation risks, and responds to retaliations against people who speak about the project or activities supported by the Bank.

1) Strengthen and communicate EBRD’s institutional commitment against reprisals

- State clearly the bank’s commitment to assess reprisal risks, prevent and respond to reprisals in the context of the projects throughout the project life cycle.

The commitments and responsibilities section of the current policy mentions EBRD’s commitment to respect human rights and address human rights risks during the appraisal and monitoring of projects. It is important to add specific commitments related to the management of reprisal risks, including a specific statement about reprisals in the policy. The provision should state that the EBRD is committed to ensuring that people can express themselves freely about any activity it supports, that the EBRD does not tolerate retaliations against those who express their opinion on the activities and develops policies and procedures aimed at evaluating, in consultation with civil society, whether an enabling environment for participation exists, and what retaliation risks may be associated with activities it supports. The provision should add that the EBRD implements measures to prevent and respond to retaliations.

- Ensure that in communications with staff, project partners, authorities, and the public, the EBRD will make clear that those who raise concerns about a project have a right to be heard, avoid stigmatization or negative labels such as “project opponents” and take every opportunity to reaffirm the important role that defenders play in sustainable, inclusive development.

It is important that the Bank commit to proactively and clearly communicating its institutional commitment against retaliations in its communications with staff, consultants, project partners (including workers at project sites, various contractors and, for financial intermediaries in

1.2.4. The EBRD is committed to the respect for human rights in projects financed by EBRD. EBRD will require clients, in their business activities, to respect human rights, avoid infringement on the human rights of others, and address adverse human rights risks and impacts caused by the business activities of clients. EBRD will continuously improve the projects it finances in accordance with good international practice and will seek to progressively strengthen processes to identify and address human rights risks during the appraisal and monitoring of projects. 2.6. EBRD will require its clients to identify vulnerable people or groups who may be disproportionately impacted by projects and develop and implement mitigation measures so that vulnerable people are not disproportionately impacted. This will include assessing to what extent tariff changes caused by projects may create problems of affordability of basic levels of services for disadvantaged and/or vulnerable groups of the population and satisfy itself that effective schemes to mitigate the affordability challenges are developed and put in place.

2. In this submission, the terms ‘retaliation’ and ‘reprisal’ will be used interchangeably to indicate any type of intimidation or attack against human rights defenders, people related to them or community members who are targeted for expressing their opinion, raising concerns, criticizing or opposing a development project. Retaliations can include different types of targeted attacks, such as defamation or stigmatization campaigns, harassment, intimidation, threats, arrests, detention, criminalization, travel or work bans, extortion, unfair administrative measures, gender-based violence, attacks on livelihoods, attacks on properties, physical attacks, maltreatment, torture, kidnapping, enforced disappearance, and killings.
particular, intermediary institutions and their sub-borrowers), and in any public communication related to its projects.

- State that the bank will develop and publicly disclose specific directives for bank staff, for the assessment of reprisal risks, and to adequately mitigate and respond to reprisals in the context of the projects. The directives for bank staff should establish procedures and steps for comprehensive contextual, country and project specific retaliation risk assessments, based on reprisal-sensitive engagement with affected communities and defenders.

We recommend the inclusion of detailed provisions in the policy, on how the Bank will assess the risks of retaliation, and adopt proactive prevention and response measures. The definition of key components of the Bank's policy against retaliation should not be left to be subsequently defined in implementation guidance, protocols or directives. The Bank must commit itself to supporting and guiding proper implementation of these provisions by developing binding directives for Bank staff.

- State the bank’s commitment to develop institutional capacities and allocate sufficient resources for the assessment of reprisal risks and the implementation of mitigation and response strategies

The current policy has a general provision related to the development of institutional capacities for the effective implementation of the Policy. Since the policy doesn’t specifically and comprehensively address reprisal risks, it is important to have a specific provision related to this, in order to strengthen and emphasize the Bank’s commitment to prevent and respond to reprisals.

2) Comprehensively assess reprisal risks

- Integrate considerations related to restrictions on civic freedoms and reprisals against defenders in the bank’s country strategies, sector strategies and policies.

The current policy states that the “EBRD's country strategies, sector strategies and policies will integrate consideration of potential environmental and social challenges and opportunities associated with the EBRD’s envisaged activities”. It is important to include specific reference to civic space restrictions that can pose obstacles to the participation of project affected people, or anyone who wants to share their opinion about EBRD activities.

- Expand the exclusion list, in order to exclude projects implemented in contexts where civic freedoms are heavily restricted.

There should be a threshold for projects implemented in places with heavily restricted civic space. The Bank should not proceed with investments, where the project cannot reasonably ensure that affected communities are able to safely and effectively raise their concerns, oppose projects, participate meaningfully in development decisions and activities, and access remedy for any human rights abuses that may occur.

6.1. In order to ensure that the strategic directions described above are sufficiently addressed, EBRD will allocate responsibilities and appropriate resources for effective implementation of this Policy. The Bank will maintain adequate staff resources to oversee the environmental and social appraisal and monitoring processes and to initiate and develop environmentally and socially beneficial projects. 6.2. EBRD will develop and maintain environmental and social procedures and appropriate guidance notes and tools to assist in implementing this Policy, and will ensure that staff receives appropriate training on the requirements of this Policy.

2.11 EBRD may refrain from financing a project on environmental or social grounds. There are several types of activities that EBRD does not finance in accordance with the EBRD Environmental and Social Exclusion List, included as Appendix 1 to this Policy.
• **Project categorization.** Establish that the bank will initially screen all projects for human rights risks, including reprisal risks, assessing project-related and contextual risk factors. The assessment criteria should look at civic freedoms, the situation of defenders, risks related to the client’s track record, government or third parties, impacts on marginalized groups, etc, in order to determine the project initial categorization.

The new policy should establish clear criteria related to the assessment of civic space restrictions and reprisal risks, and determine how these criteria will be analyzed in order to determine the project categorization. The assessment should be done independently by the Bank staff and should not rely solely on the information provided by the clients. We suggest the inclusion of an annex with specific criteria and sources of information the Bank will use for the assessment of reprisal risks and civic space issues.

The **retaliation risk assessment done by the EBRD and** established in the policy should:

- Be conducted prior to project risk categorisation and should inform investment decisions about the scope of and resources allocated to the project impact assessment.

- Include an assessment of **contextual information** on restrictions on civic space in the country where the project will be implemented, that could potentially undermine the right to participation and freedom of expression. This includes information on the existence of legislation and practices restricting the right to freedom of expression, and on the patterns of criminalization and attacks against defenders and journalists, among other issues. The assessment should take into account reports elaborated by independent civil society organizations at the national and international level, as well as reports and information elaborated by UN treaty bodies, regional and international human rights mechanisms.

- Complement the country-level assessment with additional **evaluations related to the relevant area or topic, the agency or company in charge of the implementation, and the analysis of the client’s background and human rights track record** in other projects, inside and outside the country. Contextual factors at the project level should include an analysis of the sector, presence of security forces in the area where the project will be implemented, local conflicts, lack of land tenure rights, history of reprisals in that area, marginalization of communities impacted by the project, and corruption in local police departments, among other issues.

- Be **based on the results of meaningful consultations** with the communities affected or potentially affected by the project and other civil society organizations, including organizations that promote civil and political rights, such as the right to freedom of association, freedom of expression and participation, journalists’ organizations and organizations of human rights defenders. Consultations should be undertaken without putting participants at further risk at a location identified by those participating as accessible and safe, and follow an inquiry about any prior security incidents and reprisals.

- Be carried out directly and **independently by experts at the bank or qualified independent third parties** commissioned by the bank to do so. This requires direct

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*According to the current policy, a project is categorized as A when it could result in potentially significant environmental and/or social impacts, including direct and cumulative environmental and social impacts, which are new and additional and, at the time of categorisation, cannot readily be identified or assessed. Projects categorized as A require a formalized and participatory environmental and social impact assessment process. There is a list of category A projects in Appendix 2.*
engagement with civil society to assess both the risks of retaliation and verify information presented by the client in relation to stakeholder identification and engagement.

- Consider all the information about the project, client or the country that was previously received by the bank, through direct contact between civil society and management, and complaints mechanisms. The issues raised by civil society organizations should be explicitly registered and addressed in the EBRD’s project appraisal documents.

- The risk assessment should adopt a collective approach, and include an assessment of reprisal risks for the collective, not limited to people that may potentially raise issues.

- Consider and assess specific risks of reprisals affecting women, Indigenous Peoples, persons with disabilities and other marginalized groups. To this end, focused consultations should be carried out - in a culturally sensitive way - with women and other vulnerable groups that may be particularly affected by reprisals.

- Consider and assess allegations and cases of corruption related to the project and client, as they may increase the risk of reprisals against those who raise them.

- Consider site specific situations which may increase the risk of reprisals and retaliations and/or make it impossible for civil society groups to monitor the situation, such as closed military zones/security zones or militarized areas in border regions.

- Carry out litigation due diligence on implementing agencies and companies, including any other company that is part of the same conglomerate, in order to assess their track record and determine if they are involved in litigation that could reveal conflicts with communities or indicate risks of retaliation, such as SLAPPs, land disputes, and cases of violence, among others.

  - In PR 1, related to the assessment of project risks, state clearly that the assessment of risks and impacts of the project includes the assessment of reprisal risks, including project related and contextual risk factors. The assessment should cover the environment for the stakeholder engagement process, human rights risks related to the government or third parties, and the vulnerability of the affected communities, including differentiated human rights impacts on defenders and other marginalized and vulnerable groups. Private sector clients should also be required to disclose any judicial processes they, or any company that is part of the same conglomerate, have been involved in over the last few years. They should also reveal any complaints against them, or any member of the conglomerate they are part of, at development finance institution independent accountability mechanisms.

In addition to the explicit mention of the risks of reprisals as one of the risks that must be evaluated, it is important to comprehensively detail what information must be disclosed by the client within a clear timebound framework and independently verified and assessed by the bank with regards to these issues. The information requirements should be based on the components of reprisal risk assessment listed above, that should be considered by the Bank during project risk categorization. Some examples of the kind of information that should be required from the clients are information about litigation, allegations of reprisals, public opposition or attacks against whistleblowers,
journalists and HRDs potentially linked to the project, information about any incident of violence that occurred in the context of protests against the project, reports on the development or implementation of laws which might limit civic space, etc. The policy should also state incentives and sanctions if the client doesn’t disclose the information to the bank.

- State that for projects categorized as high risk projects the client will be required to engage one or more internationally recognized independent experts in the assessment of project risks, and establish a mechanism to avoid conflict of interest and ensure actual independence from the client.

The current policy contemplates that for certain high-risk projects, the client may be required to engage one or more internationally recognized independent experts to provide advice and oversight to the project. It is important that the intervention of independent experts is not discretionary, establishing that it is mandatory for high-risk projects, and that processes and mechanisms are established to ensure and control their independence of the client.

3) Take a preventative approach to deal with reprisal risks

- Stipulate that stakeholder engagement plans must include concrete measures to implement the client’s commitments to prevent reprisals, such as the specific arrangements adopted to ensure security forces will not repress dissent or protest, ensuring that security forces will not participate in the consultations, among other measures. The client’s commitments to prevent reprisals must be situated in the specific realities that affected people face.

In its paragraph 2,12, EBRD’s environmental and social policy currently states that “EBRD will seek opportunities to build capacity to consider and manage environmental and social risks, impacts and opportunities in its countries of operation, [and] will facilitate development of an enabling environment for its clients to achieve environmentally and socially sustainable outcomes in their projects.” As part of this commitment, the policy should also state that stakeholder engagement plans must include specific measures and arrangements necessary to ensure an enabling environment for stakeholder engagement and public participation. A similar provision was adopted by the AFDB in its new policy. AFDB’s annex also states that when reprisal risks are identified, clients should “implement specific measures to prevent reprisals, such as using best practices in safe consultations, independent monitoring of project implementation, training, proactive community outreach, enhancing project affected communities’s awareness of, ability to access independent grievance mechanisms, or other modifications to project design to mitigate the risks of reprisals”.

- State that grievance mechanisms should allow for anonymous complaints to be raised and addressed.

7The policy now states the following: 29. The client must promptly notify EBRD of any environmental or social incident or accident relating to the client or the project, which has, or is likely to have, a significant adverse effect.

8“13. For projects that are complex or contentious, or that involve potentially significant multidimensional environmental or social risks or impacts, the client may be required to engage one or more internationally recognised independent experts. Such experts may, depending on the project, form part of an advisory panel or be otherwise employed by the client, and will provide independent advice and oversight to the project. 35. For projects that could have significant adverse environmental and social risks and impacts, the client may be required to engage relevant external experts to perform periodic independent reviews of the project, or to carry out monitoring of specific environmental or social risks and impacts. The scope of this work and follow-up actions will be determined on a case-by-case basis”. 
In order to ensure people can safely express their opinions about the activities supported by the bank, it is important to allow for the possibility of raising anonymous complaints as the policy currently states in PR 10 paragraph 29.

- State clearly that all information related to the compliance with performance requirements about the use of security forces/security arrangements will be submitted to the bank and disclosed to project affected people.

The current policy establishes certain requirements related to the use of security forces/security arrangements adopted. The policy should clearly state that this information must be submitted to the Bank and disclosed on the Bank’s website.

- Establish that the Bank will utilize and increase available leverage to prevent harm, including by incorporating within contracts with clients, authorities, and relevant parties requirements to:

  1. ensure an enabling environment for participation and defending human rights; 2. respect freedom of expression and participation 3. employ robust due diligence to prevent abuses; 4. avoid human rights abuses; 5. commit not to use litigation against people who criticize or express their views on the project; 6. investigate and remedy reprisals, collaborating in good faith with any investigation of allegations of reprisals that may be related to the project; 7. ensure consistency with the UN Guiding Principles on Business and Human Rights and the UN Voluntary Principles on Security and Human Rights. The contracts should further include an option to adjust the disbursement schedule if reprisals take place and clients do not take remedial actions. In addition, financing agreements with clients must include provisions related to specific rights and remedies in the event the project affected people suffer reprisals for raising their opinions about the project.

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9 EBRD’s Performance Requirement 4, related to Health, Safety and Security states the following: 40 When the client retains employees or contractors to provide security to safeguard its personnel and property, it will assess risks posed by these security arrangements to those within and outside the project site. In making such arrangements, the client will be guided by the principle of proportionality, GIP, and applicable laws in terms of hiring, rules of conduct, training, equipping and monitoring the conduct of such personnel. The client will not sanction any use of force except when used for preventive and defensive purposes in proportion to the nature and extent of the threat. 41. If security services are the responsibility of the relevant governmental authorities, the client will collaborate, to the extent permitted, with the responsible government authority to achieve outcomes that are consistent with this PR. The client will identify and assess potential risks arising from such use, communicate to the relevant public authorities its intent that the security personnel act in a manner consistent with paragraph 40 above, and encourage the relevant public authorities to disclose the security arrangements for the client’s facilities to the public, subject to overriding security concerns. 42. The client will (i) make reasonable inquiries to verify that the employees or contracted workers retained by the client to provide security are not implicated in past abuses; (ii) train them adequately (or determine that they are properly trained) in the use of force (and where applicable, firearms), and appropriate conduct toward workers and project affected communities; and (iii) require them to act within the applicable law and any requirements set out in PR 2 and any other PRs as specified by the client. 43. The client will establish and maintain an effective grievance mechanism to allow the affected community and workers to express concerns about the security arrangements and actions of security personnel, and will inform communities and workers of the availability and use of the grievance mechanisms, in accordance with this PR and PR 10. 44. The client will investigate any allegations of unlawful or abusive acts of security personnel, take action (or urge appropriate parties to take action) to prevent recurrence, and where necessary report unlawful and abusive acts to public authorities and to the EBRD.
• In PR 1 (para 19)\(^{10}\) add that the client will establish a non-retaliation policy as part of its environmental and social policy, and make it publicly available.

• In PR 1 (para 27)\(^{11}\) state that an appropriate and effective contractor management system includes assessing retaliation risks associated with contracted works and services, adopting preventative measures when risks are identified, and responding effectively when allegations of reprisals are received by the client. Non-retaliation commitments should be clearly stated in contractual conditions with all sub-contractors, with the requirement to have a non-retaliation policy.

4) Respond effectively to cases of reprisals

• State the bank’s commitment to proactively and publicly denounce - with the previous informed consent of affected people - any reprisal in the context of all current and pipeline projects, including labeling of critical voices as “anti-development.”

The response to cases of retaliation must be proactive, and cannot depend on the drive and efforts of those who suffer retaliation. When the Bank learns of an allegation of a reprisal, it must look to consult with the affected people in order to establish the measures that will be adopted. When deemed appropriate by the affected persons, such measures must include, among others, publicly denouncing the perpetrators.

• Establish clear protocols that regulate the specific actions that the Bank will adopt in cases of retaliation, and the responsibilities within the Bank.

The policy should clearly establish how the Bank will respond to cases of retaliation, by regulating some of the essential elements of the response protocols, such as the types of actions that will be carried out, the roles and responsibilities within the Bank staff, how to reach out safely to people affected by reprisals or their representatives in order to determine how best to address reprisals, how the Bank will use its leverage, among other issues. The Bank’s commitment to use its leverage to respond effectively to cases of reprisals must be clearly established in the policy. Although the specific response that will be given to each case must be defined and based on individual and contextual characteristics and the preferences of the affected people, the protocol can detail the steps and actions that the Bank must take, as well as the type of measures that must be considered in the process.

\(^{10}\) PR 1, paragraph 19 currently states that “The client will establish, as appropriate, an overarching policy defining the environmental and social objectives and principles that enable the project to achieve sound environmental and social performance. The policy will provide a framework for the environmental and social assessment and management process consistent with the principles of the PRs.”

\(^{11}\) PR 1, paragraph 27 states that “It is the client’s responsibility to ensure that contractors working on project sites meet the ESMS requirements by adopting and implementing an appropriate contractor management system. Effective contractor management includes: • assessing environmental and social risks associated with contracted works and services and incorporating relevant ESMP conditions into tender documents as appropriate, contractually requiring contractors to apply these standards and provide for mitigation and/or remedies in case of non-compliance; • overseeing that contractors have the knowledge and skills to perform their project tasks in accordance with contractual environmental and social conditions; • monitoring contractor compliance with contractual environmental and social conditions; and • in the case of sub-contracting, requiring contractors to have equivalent environmental and social arrangements with their subcontractors.”
• State the Bank’s commitment to disseminate widely the ways in which people affected by the projects can engage directly with the bank to raise cases of reprisals, and the procedures and protocols applied by the bank to deal with those cases.

People affected by reprisals in most cases do not know that they can directly engage with the Bank to bring retaliation cases, and they are unaware of the procedures and protocols applied to deal with such cases. It is important that the policy contemplates the dissemination of accessible information on the ways in which affected people can engage the bank, and on the steps that the Bank follows to respond to such cases. This information should be disseminated in the languages most commonly used in the project location.

• Commit to periodically producing statistical information on the allegations of reprisals received, the kind of reprisals, the sectors involved, the countries where they allegedly took place, and the kind of responses adopted by the bank. This information should be included in the Bank’s annual sustainability reports.

Documentation of cases of retaliation is essential to assess to what extent risk assessment and prevention policies are effective, and to have a better diagnosis of the most problematic areas and sectors. The documentation of the types of responses adopted is important to ensure monitoring and accountability regarding the Bank’s commitment to participation and zero tolerance to retaliations.

• Provide direct channels of engagement between the communities and the bank, independently from the client, and inform project affected people widely about those channels.

Frequently, the engagement between the communities and the bank is organized exclusively through the intermediation of clients. It is important that the affected persons have direct communication channels with the Bank, which facilitate both the reporting of cases of retaliation, as well as communication about other circumstances that may contribute to increasing the risk of retaliation. The EBRD resident offices should be responsible for creating safe accessible channels for meaningful engagement with affected communities in the country of operation.

• Commit to providing emergency assistance to defenders at risk.

It is essential that the Bank contribute to protecting defenders at risk for having expressed their opinion on the Bank's activities, through direct support and assistance to defenders who need it.

• Establish the client’s obligation to collaborate in good faith and support any investigation of allegations of reprisals carried out by the Bank that may be related to the project and, and the client’s obligation to remedy reprisals.

The Bank should clearly establish the requirements applicable to clients when cases of reprisals are raised. Clients' good faith cooperation with the investigation of cases, prompt provision of necessary information, and collaboration during the investigation should be required.
5) Strengthen the Bank’s independent oversight and monitoring

- State clearly the bank’s responsibility to verify, independently from the client, all the information used during the project appraisal and implementation; and the bank’s responsibility to create effective mechanisms so that project affected people can reach out to the bank, independently from the client. The bank should establish specific tools and mechanisms that will be used to independently verify all the information used during the appraisal and monitoring of the project.

The current policy states that it is the responsibility of the client to ensure that adequate information is provided to undertake the environmental and social appraisal. Often, clients and project promoters provide incomplete and inadequate information in relation to key aspects of the project, to favor its approval. The policy should clearly establish how the Bank will independently verify all the information received from the client, and in particular information that is relevant to reprisal risks assessment and management.

- State that all projects will be monitored by the Bank through reprisal sensitive site visits, and the bank will engage directly with project affected people, independently from the client, to verify the information.

The policy currently states that the Bank may periodically verify the monitoring information prepared by clients through site visits. It is important to establish that all projects are monitored through site visits, to independently verify the information.

- Require clients to automatically notify the bank about any reprisal allegations and establish an ex officio duty for IPAM to carry out an investigation of such allegations.

The current policy states that “the client must promptly notify EBRD of any environmental or social incident or accident relating to the client or the project, which has, or is likely to have, a significant adverse effect.” Around the issue of reprisals in particular, however, there is a tendency to try to cover these up or downplay the incidents. The new policy should make it clear that clients are required to notify the EBRD already about allegations of reprisals. This should trigger an automatic investigation - without any need for a formal complaint to be lodged - by a body that is independent and has a deeper understanding of reprisal issues: in this case the independent accountability mechanism, IPAM, would seem ideal. Such a recommendation will also be added to the IPAM review.

- Establish in which cases the bank will conduct its own public consultation in order to assess stakeholder views. This should not be a discretionary power, and should be mandated for all high risk projects, projects implemented in contexts with restrictions

12 “4.8 It is the responsibility of the client to ensure that adequate information is provided so that the Bank can undertake an environmental and social appraisal in accordance with this Policy. The Bank’s role is to: (i) review the client’s information; (ii) provide guidance to assist the client in developing appropriate measures consistent with the mitigation hierarchy to address environmental and social impacts to meet the relevant PRs and (iii) help identify opportunities for additional environmental or social benefits”.

13 “4.18 EBRD may also periodically verify the monitoring information prepared by clients through site visits to projects by the Bank’s environmental and social specialists and/or independent experts.”
to civic freedoms, where there is significant human rights or reprisal risk, or the client does not have capacity to carry out the required tasks.

The current policy states that the Bank may, in some cases, conduct its own public consultations to gauge stakeholder views.\textsuperscript{14} This should be a mandatory requirement for high risk projects, projects implemented in contexts with restrictions to civic freedoms, where there are significant human rights or reprisal risks or the client lacks capacity to implement the stakeholder identification and engagement. Where the bank won’t conduct its own public consultations or won’t engage directly with stakeholders, the policy should establish specific mechanisms to independently verify the information about stakeholder identification and engagement provided by the client.

- State that all elements of environmental and social appraisal should take place before board approval. Eliminate the exception established in 4.16.

The current policy states that the EBRD’s Board of Directors may agree that certain elements of environmental and social appraisal take place following Board approval.\textsuperscript{15} We recommend eliminating this discretionary and broad authorization to ignore the application of environmental and social safeguards prior to project approval.

Signed by:

Accountability Counsel

African Law Foundation (AFRILAW)

ARTICLE 19

Bytes For All, Pakistan

Cairo Institute for Human Rights Studies (CIHRS)

CEE Bankwatch Network

Community Resource Centre (CRC)

\textsuperscript{14} “4.13. EBRD’s appraisal requires clients to identify stakeholders potentially affected by and/ or interested in projects, disclose sufficient information about the risks and impacts arising from projects and engage with stakeholders in a meaningful and culturally appropriate manner. In particular, EBRD requires its clients to engage with people affected by projects and relevant stakeholders, in proportion to the potential impacts associated with the project and the level of stakeholder interest. For projects subject to ESIA that have the potential to have significant environmental impacts, such stakeholder engagement will be carried out bearing in mind the spirit and principles of the UNECE Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters. For projects that have the potential to have significant environmental impacts across international boundaries, the Bank will encourage the approach of the UNECE Convention on Environmental Impact Assessment in a Transboundary Context, regardless of geographical location of a project. The Bank may, in some cases, conduct its own public consultation activities to gauge stakeholder views.”

\textsuperscript{15} “4.16. EBRD’s Board of Directors may agree, as a condition to EBRD financing, that certain elements of environmental and social appraisal take place following Board approval and after the signing of the financing agreements. The Board will consider the overall impacts, risks and benefits of the proposed approach. Where a project has been approved subject to such conditions, the Project Summary Document will include a description of the approach.”
Defenders in Development campaign
Green Advocates International
International Federation for Human rights (FIDH)
Just Finance International
Lawyers’ Association for Human Rights of Nepalese Indigenous Peoples (LAHURNIP)
NGO Forum on ADB
Protection International
Recourse