



Preliminary Report Out on Phase 1 of the Safeguards Review Consultations

Washington, DC, April 20, 2013 [9 am – 1 pm]

Replay of the meeting is available on www.worldbank.org/safeguardsconsultations

TRANSCRIPT

Note: *This is a transcription of the meeting on a preliminary report out On Phase 1 of the safeguards Review Consultations (see [agenda](#)). Summaries of the meetings and of the online feedback will be all available on the safeguards website in May. An overall and more specific feedback summary of all input received will be made available on the website by mid 2013.*

Meeting facilitated by: Richard Burrett.

MR. LAL: So, good morning, everybody. Let's start the meeting. I understand people are still trickling in, but let's just get started since we have got a lot to talk about and we do not want to lose the time available.

So, welcome once again and especially those who are watching this on the web cast.

My name is Sumir Lal. I am a manager in the External Affairs Department. I worked previously with the Bank in the India Country Office. And, just a couple of housekeeping details before we start. We have got interpretation available in French, Spanish and Arabic, and the channel numbers are there for those of you who need that service. As you can see, we have also got Gerardo here providing interpretation in sign language. We will also be passing around a little sign-on sheet so that we know who all are here, and when that happens, please do sign on.

Let me tell you briefly about what our agenda for today. This is a report out by us about what we have been hearing in the consultations of the phase one of our Safeguards Review, and that consultation was divided into two parts. One was consultations with multi-stakeholders, and the second was meetings with expert focus groups on seven emerging areas.

What we will be doing today is giving you a report out on both of these sets of meetings that we had, let you know what are the kinds of things we have been hearing and then hear from you, your responses to those and anything else that you think we should be hearing about. And that part of the discussion will be facilitated by Richard Burrett, whom I will introduce shortly. We have with us today the Vice President for Operational Policy and Country Services, Kyle Peters, who will set the context for us, explain where the Bank is going and why we are doing this. We also have Paul Bermingham, Director of the OPCS Department and under whom this process falls. And then we have the core team itself, the one that has really been working on this and who many of you know and have met--Stephen Lintner, Motoko Aizawa, Charles di Leva, Colin Scott and several others whom all of you know. So, just before I hand it over to Kyle, let me just remind you of where we are in the process and where we are sort of headed.

The **review process**, as all of you who have been following this know, is divided into three parts, and now we are nearing the end of the first phase. This first phase was about really going out, listening to a different sets of stakeholders to really get a sense of what is it that we should be including and considering as we review our policies. After this phase ends, which will be on the 30th of April, we will move into phase 2, where we process everything that we have heard, develop a first draft of the framework of the new policies, discuss them with our Board through its Committee on Development Effectiveness and then consult further on that.

And then that is followed by a third phase which is when we come back with a revised document.

So, in terms of next steps, of where we move from here, we are going to, first of all, as I said, summarize everything that we have heard and have the summary out on our web site. So that is something that you can

watch out for. There is, as you all know, an online submission space which is still live, and there will be scope for you to continue to provide submissions through that. We then, as I said, analyze it, process it, develop our first drafts, which will include a report on what we have done with what we have heard from the consultations, and then go into phase two which I just described. So, with those words, let me first invite Kyle Peters to give his opening remarks and set the stage, and then after that we will move into the business part of Kyle's part of the business. We will move into the discussion part of this, and that is the time when I will introduce to you the facilitator. So, Kyle.

MR. PETERS: Thank you very much. I guess Sumir has made it very clear what my role is here.

I want to **welcome everyone** and a good morning on a Saturday morning to come to hear us talk about where we are in this very important process. I am glad we got some coffee for everyone to get started.

As Sumir said, I think the purpose today is just to hear, for you to hear, what we have been hearing in the first phase of the consultations and to see where we are in this update of the safeguard policies that apply for investment lending. This is the first phase. It will close at the end of this month. So there is still time for you to send in any further comments or feedback on the web. That will be online to the end of this month.

We have already consulted in many countries and hundreds and hundreds of people and many organizations. So we have received a lot of rich feedback, which we will try to go through today.

And this is extremely important, I guess, everyone--the interest we have generated all around the world in terms of this Safeguard Review. This review is, potentially, a very transformative thing for the World Bank.

And, in fact, there is a very transformative change going on now, as we speak. This afternoon at the Development Committee, the President will be talking with the members of the Development Committee on his new vision for the World Bank Group, where we have set out very clearly two goals that the organization intends to pursue over the next five to ten years, which is to end extreme poverty and to promote shared prosperity. We are defining it as to reduce the number of people living on less than \$1.25 a day to below 3

percent by the year 2030, which is reducing it to virtually a negligible amount, statistically. So, to end extreme poverty is our first challenge. And our second challenge is to promote shared prosperity by which we are measuring the income growth of the bottom 40 percent of the population. As we have been very clear in the Development Committee paper and in the President's vision, ending extreme poverty and promoting shared prosperity--both would need to be achieved in a sustainable way. And what we mean by a sustainable way is over time and across generations. That, you see very clearly in the paper that we have said to ourselves that environmental and social sustainability will be at the heart of everything we do. So that really sets, I believe, the context for what we are trying to achieve with the Safeguards Review and Update, and it fits very clearly within our agenda going forward. The safeguard policies that work on social and environment sustainability really epitomize the core values of the World Bank--something that we have based our policies on, something we have been working on over the years and, hopefully, improving our performance.

I know many of you do not think it is perfect, but we have been working very hard to improve the application of our social and environmental policies. So, right now, we have an opportunity over the next few years to really review and update the whole suite of eight core environmental and social safeguard policies that apply to our main financing vehicle--our investment lending operations. This is a great opportunity. With the vision of sustainability, the work we are all doing jointly on these policies and the President's solution-oriented approach to development, I think it means we are coming together at a very good time to move this agenda forward. But let me clear; we are looking at this from a perspective of not just doing no harm, but, how can we do good? That does not mean that we are going to abandon the accountability or that does not mean we are going to walk away from doing no harm, but we want to know can we expand this so that we are looking at doing good and improving the social and environmental policies of our clients. And that is really what we see as the next generation of our safeguard policies. We are looking to create a global public good--one that would have benefits and positive impacts well beyond World Bank-financed projects.

I think we will all see today--and what we have seen through all of the consultations we have had--that this is going to be a complex and challenging task. It will not be an easy task. I mean, we have many different stakeholders, many different views, many different aspirations and many different needs to take into account. I just want to say as we move forward we really need to think we have three kinds of things we have to balance. One is to strike the right balance among all of these views. Two, understand what we can operationalize in our projects and the activities that we finance. And then, think very carefully about what should be a safeguard and what are other objectives or other things that we want to accomplish through different means or strategies or policies. So it is going to be a very complex task, and I am getting a lot of feedback from all of you. We are looking very forward in moving this forward, but just to say that what we are discussing today, the environmental and social safeguards, are at the core of our values, at the core of our approach to sustainability and something we want to continue in the World Bank as being seen as a leader in the world in terms of setting these safeguard standards.

So we really look forward to the feedback we are getting, and as Sumir said, this is a six-month process. We have received a lot of input. We are going to go over it today. The next step will after we finish the process of receiving feedback we will put it together in a note. A paper will go our Committee of Development Effectiveness and discuss that and sort of discuss the broad outlines of how we propose to move forward on the next generations of reforms. I just want to say that, of course, from our perspective the Board is really our authorizing environment. So we are going to put together the views that we have heard; we are going to move forward and summarize those for the Board, discuss with this Committee on Development Effectiveness, which is a subcommittee of the Board, and then begin to move into the next phase, which will be more specifically flesh out the contours of the policy and the specifics of the policy.

While today we will give you a summary of what we heard and we will hear back from you, bear with us--bear with my colleagues--if we cannot give you really specific commitments today as to how we are going to change

or what we are going to do because that is something that we need to collectively think a little bit more about, go to our Board and tell them where we are, and then begin to flesh out because our Board is really the authorizing environment for any specific changes that we make.

And, as you will see, we have heard an enormous amount of information. We will try to give you a summary, and then we will move forward. And we will continue and consult, try to be very open and transparent about what we have heard and how we have summarized it. We have a very strong access to information policy. We will put all of the things on the web as we go forward, and we will continue to hold consultations.

I thank you very much for your patience, and I look forward to listening to what you have to say today. I am going to stay, I think, through the first 90 minutes or so. I have another meeting after that, but I really would like to engage with you. Please be as open and forthright with us. We are here to inform you of what we think we have heard. We are here to hear back from you, to tell us if that is not what we really heard. And then we will be glad to discuss that going forward. So, thank you very much. Thank you, Sumir.

MR. LAL: Thanks, Kyle. So you heard Kyle is going to stay on for the next hour and a half, and so any questions or reactions to what he just said could become part of the discussion when we go into that stage.

Now we will have Stephen Lintner present on what we heard in our broader multi-stakeholder consultations. Stephen does not actually need any introduction, so I will not make an introduction.

But what I will do is that immediately after Stephen speaks we are going to have Richard Burrett actually take over and facilitate the discussion. So let me introduce Richard, who is sitting in the corner there.

Richard belongs to the Cambridge Sustainability Program. In his previous life he was Managing Director and Global Head of Project Finance at AMRO Bank, and in this role he was instrumental in the development of the Equator Principles, creating a market-recognized standard for the management of environmental and social risk within project financing. He is now a partner at Earth Capital Partners, a sustainability-focused investment group, and Senior Associate of the University of Cambridge Program for Sustainability Leadership. And he has

got a number of other credentials. He is a member of Forest Renewables, also a board member of Forest Trends, a Washington-based organization promoting market-based approaches to forest conservation, and he is co-chair of the UNEP Financial Initiative and leads their Biodiversity and Ecosystems work stream.

We will have Stephen present and then Richard to facilitate. Stephen, over to you. Thanks.

MR. LINTNER: Hello and good morning. It is a pleasure to be here and have an opportunity to speak to so many people. Many of you, I have known for years. Others, I have had the opportunity to meet as we have done the consultation process. And I am extremely pleased that we are able to come together here this morning. What I am going to give you is a **preliminary overview**. There may be things that you said; there may be things that you are concerned with which, are not reflected in this presentation, but it is not the beginning or the end of the process of compiling our information. So what I have tried to do is to capture some of the key points, some of the key issues, some of the key debates that came up in the course of the global consultations. As my colleague, Kyle Peters said, we will be preparing a comprehensive overview of the inputs, both those from the consultation meetings and those from the emerging issues meetings, which Motoko Aizawa will be speaking about in a few minutes, as well as the vast amount of written commentary we have received and continue to receive. That matrix will be organized by themes, and then we will be putting that together and providing it to the Committee on Development Effectiveness to look at. We will also be making this public. So today is really a step in a process of engagement and what we heard. We heard a lot of different things. I will be talking a bit about process, which I know is of concern to a number of you. I will be talking about some of the key issues, and I will also be talking about some of the next steps in the presentation. I have a handout that should be available to everyone. If people do not have it, please let us know and we will get it available. The presentation I am making today, as well as the one that is being made by Motoko Aizawa, will also be posted so that these will be available for others beyond this audience.

With regard to the process, in terms of the process, there are really two pieces. There is the question of how

do we review and update the eight environmental and social safeguard policies that are currently endorsed and being used, and also our policy on piloting the use of country systems, or borrower systems, for environmental and social safeguards? That is going to be the focus of this presentation.

We also have a series of emerging areas--things that were brought up by our Board, by the public, by civil society groups, a wide range of parties, that we considered emerging areas--that were not in the policies that exist in a full format, or they are actually new since those policies were developed. Some of the policies we are talking about are over 20 years old, and quite clearly, issues like climate change are a much bigger issue than when these were drafted.

Consultation locations. I just want you to get a sense of how diverse the locations were. There were consultations in South Asia, in East Asia, Sub-Saharan Africa, the Middle East, Latin America and the Caribbean. There were consultations in Europe and Central Asia and Japan and consultations in North America. We tried to have them in diverse locations, diverse profiles, with a variety of participants. And we would like to continue this process as we move forward into phase two and three of the consultations.

And, obviously, we can always improve how we do things. We can learn by doing. We have also gotten a large amount of submissions. This is just a selection of what we have received, but it is diverse. Some things came in just this last week. We got, yesterday, a human rights agenda for the World Bank, for example, submitted. We also have a document coming in from the U.N. Special Rapporteur.

So these are all being collected. They are all being posted. And, of course, during the very rich Civil Society Forum this week, we have had opportunities to meet with many of the authors and representatives of many of the organizations which were involved in their preparation and actually discuss these in detail.

So, in many ways, I actually see today's meeting as the culmination of what we have been doing in the CSO Forum for the last few days, having rich discussions, both formal and informal about this challenging issue we have--how to review and update the safeguard policies of the World Bank.

With regard to **the consultation process**, of course, we have always had this question of advance notice. We try to give adequate advance notice. We will always continue to try to do better.

We had requests in some cases for a broader range of materials to be provided in advanced and in translation. I can see some of our Indonesian colleagues who raised this as an issue. There is a concern about how affected parties would provide input into the process, and in the Next Steps I am going to talk a little bit about that.

There is also concern about the need for a special consultation process for indigenous peoples, and I will also talk about that at the very end of the presentation.

The need to enhance access to persons with disabilities, both physically and online, has come up. We have tried to address that. Online is something on which I think we are making progress, but we have representatives of that constituency here who can speak for themselves and tell us how we can do this better.

We are learning in this area. I think we are making progress. We are not perfect. We also had a few parties who did not think there should be any consultations. Some of you are aware that two of the four consultations in India were disrupted by people who felt the World Bank should go home. The other ones all went smoothly. And we feel that we do have diversity of opinions. This may be at one extreme.

There were also issues raised about inputs from the Independent Evaluation Group in the Inspection Panel.

There were a number of points made not just by CSOs but also by owner-member countries--the borrowers--that it was important that we continue to use the IEG evaluation on safeguard policies as a reference point and, also, as we looked at the question of revising the policy on forests, reflecting on the recent IEG report on forests as a sustainable management question.

There were also parties who felt the IEG should be involved in the process with the Inspection Panel.

There was concern that we factor in the lessons learned, which we clearly plan to do, from the Inspection Panel process, and also the question of how the panel should be involved in this process.

And so these are things that we have heard, and we will be continuing to engage. We do have representatives

in the Inspection Panel I can see here, who we talk to quite regularly about lessons learned as well as ongoing challenges. So what are we hearing beyond the process?

First of all, **what we were hearing** is a really consistent confirmation, particularly from the countries we are working with, that our safeguard policies provide a recognized standard for looking at environmental and social issues in public sector lending--a recognition from our peers, the other international financial institutions, as well as governments that these policies are typically used as reference points. And so, therefore, they are just not about how we approach things, but there is a broader group of parties that are influenced by this. There was also very broad agreement that we needed to modernize the policies. However, there is a concern about which direction this reform process might take. And I suspect that is one of the key themes that we will continue have with this group, but it was also a theme with the countries we spoke with, with the private sector and with the professional organizations.

How do we do this? How do we conduct it in a way that gets an outcome which really lets us evolve the system and is not pushing back? One of the biggest things we heard about, and this was particularly from borrowers as well as parties that are concerned with promoting sustainable development, is how do we revise and update these policies to make them more effective in promoting sustainable development and, importantly, increasing development effectiveness. And this ties back into some of the points Kyle was made about some of the priorities we have here. How do we better use these as tools to get integrated and sustainable development as a real underlying, underpinning approach in what we do?

There was a constant theme that, yes, we continue to have these policies focus on doing no harm with a compliance aspect but balancing that with a much greater focus on how do we use them to do good. So, no harm plus do good. Not just one, not just the other, but the two together.

This question of compliance kept coming up--how do we get a better balance between maintaining a focus on compliance and achieving better environmental and social outcomes?

So, how do we not lose the objective of having good environmental and social outcomes by excessively focusing on compliance? And then also, coming from many parties, how can we do this in a way that is more flexible and give greater recognition to the diversity and differences among countries?

There is a lot of concern about a global policy not being flexible enough to recognize differentiated realities people are dealing with. You know, we have middle-income countries that are very sophisticated; we have development countries that are still progressing tremendously, but we also have the fragile and conflict states.

How do we deal with this? How do we deal with countries that are large and diverse in their capacity?

World Bank support. With regard to World Bank support, we heard a lot that the World Bank should increase support to more broadly facilitate the use of country systems. How do we get country systems right?

How do we allow this to go forward? As you are aware, the Asian Development Bank is working on this. We are coordinating very closely with the Asian Development Bank. But how do we realize the objective of the Paris Declaration to move towards country systems in a responsible way? One of the things that was very interesting too is that we heard a lot about how the Bank should provide more support, particularly at the field level, to strengthen client capacity to address these types of issues. This was coming up not just from the implementing ministries but parties who are actually responsible on a day-to-day basis for doing this work. How could we have a role in transferring knowledge, in being mentors, in really moving towards supervision support as one of our key objectives? A lot of interest in the question of how could we support centers of excellence at the regional or national level--this is something we are working on in East Asia right now, with AusAID of Australia, the Asian Development Bank, the Japanese, jointly and together, looking at how we can really set up regional centers of excellence, again, supporting a move towards country systems and accelerating capacity.

There was also quite a demand for on-the-ground support in preparing and implementing projects by our safeguard staff. This is also something that came out of the Asian Development bank consultations that they

had in changing their policies.

Coming from many parties, including some in this room, the Bank should be more engaged with affected communities at the ground level, and obviously, that is something we need to really focus on.

There were a lot of different recommendations that came forward. Some of them concerned our approach.

One of the things, of course, is this need to evolve the safeguard policies to meet current and new development challenges. Twenty-year-old policies are not particularly perfect for the new challenges, but it does not mean abandoning the old. It means evolving to meet new demands.

A lot of concerns, many from this room have raised, over the importance of avoiding dilution of the policies.

Evolving does not equal dilution; we clearly understand.

Also--and this was a discussion in the CSO Forum earlier in the week--what about upward harmonization?

How do the Bank standards reflect harmonization with other development organizations who, because of their own processes, have evolved and have come up with new ways and new issues and have models that we should be looking at? Some urged that there should be a rights-based approach. Others urged there should be an approach which is more risk-based. Some argued we should do both. Some are contending that the Bank should require compliance with a broad range of relevant international conventions and agreements. This has been discussed repeatedly in the CSO Forum. Obviously, our legal advisors are here also, and they have been listening on this. And, of course, there are a lot of topics that people think that safeguards should be expanded to cover. The degree of expansion remains a matter of debate, and Motoko will be talking about a number of those areas. We also have concerns raised about how do we link this with the ongoing process for reform of the Bank's procurement policy, and this is relevant because our current standards for labor are in our procurement policy, which is a standardized procurement policy shared with multiple other banks. And so this is an ongoing thing where there is a link, and this was pointed out by a number of parties.

Architecture. Obviously, this is a topic that, particularly with those assembled in this room, is a major issue.

There seems to be a very broad agreement that the Bank should have an overarching statement of our objectives even if the statement is aspirational. And then, of course, we have this ongoing debate which started actually on November 15th, when we had the consultation here in Washington--should this process cover investment lending only or the development policy lending and program for results? And I am certain we will hear more about that today. I think there was a theme that did not seem to be particularly controversial but really consistent. There needs to be greater clarity between the roles and responsibilities of the Bank and the borrower--a very practical, very pragmatic thing and something that IFC was very successful in doing. There are alternative methods that have been debated and come up routinely in these discussions. One is, what about the IFC, the environmental and social performance standards?

And we are getting two contrasting views. One is from many governments and certainly the private sector; we should create a public sector version for performance standards for Bank use. We also have others who have reservations and say we should not do that. This should not be the approach. But when one starts to unpack this and you start to look at what is being said, I think we need to differentiate between the simplistic one model versus the other model and look a little bit about what we heard about some of the IFC elements that we should be considering.

There was a lot of concern expressed by civil society groups about self-monitoring by the client, and that became a very clear concern. However, we heard repeatedly a very strong view that one should be considering adopting the labor occupational health and safety provisions of the performance standards for public sector use. We will hear more about the labor meeting in Indonesia, but we have also got experienced representatives of labor who have engaged with the Bank. But this was something where IFC may have it right. This may be what we should be looking at.

There was also a lot of support for us adopting a broader social coverage the way IFC has, looking at communities, being more specific about groups and also the biodiversity coverage, including the whole issue

of ecosystem management as a core value.

There was also, of course, a link with the provisions IFC has of free prior informed consent for indigenous people, saying the Bank ought to be balanced. What is good for the private sector should be good for the public sector. So these are things we heard.

There is a lot of talk about the Asian Development Bank model. I know a number of people in this room have raised this. One of the things that we have heard--and, of course, we know our Asian Development colleagues well--is that their safeguards policy statement is a fully integrated statement applying to public and private sector operations and applying to all operations they do, whether they involve basically the equivalent of DPL financing or investment financing. And this is seen as a strength.

There was also quite a bit of note that the current version of the Asian Development Bank policy, which was recently improved, has new, enhanced provisions for involuntary resettlement. Their earlier policy was based on ours. So this is an upgrading of their policy.

There was a lot of interest in the provisions they have for making straightening country systems and capacity a core objective. And, as I said earlier, we are coordinating very closely on the country systems work with them. And then also, the issue of adopting the 120-day standard for disclosure of safeguard documents for Category A projects, which is linked into a number of different debates. Assessment approaches. There were a lot of technical issues. One was to revise the text to better facilitate opportunities for the use of country systems, to reflect on what we have learned in that experiment and open this up in a way which is responsible but allows greater use of this. Increase the clarity of the policies--we kept hearing from many parties.

Simplify the requirements, not to dumb them down but to make them more implementable. Providing a clearer definition of the screening categories--A, B, C and FI. Greater clarity is one of the main sources of debates many times, and in fact we had a seminar on this the other morning that the Inspection Panel organized--how do we deal with associated or linked projects? What is the definition? And avoiding the

duplication of documents so that the government and the Bank are not producing parallel environmental assessments or resettlement action plans or indigenous peoples' plans. Concern about getting a better balance between environmental and social coverage. Increasing social coverage to specifically include community impacts. Mandating assessment of impacts of vulnerable or marginalized groups--including women, children, persons with disabilities and others--as something which is crystal clear that that is supposed to be looked at, not something which is generally described as being needed.

And then, providing more detailed guidance on implementation. So, at one level, we have a lot of interest in moving towards principles, but at the operational level we also have a lot of interest in guidance, not necessarily in the policy but in the accompanying materials. Involuntary resettlement was a major policy topic. There is a lot of concern about how we humanize them rather than weaken them, but so it is clear that we are really trying to engage with these communities. And one of the issues was, how do we better articulate the concept of livelihood restoration--very much linked with this? What does this really mean?

There was a lot of concern that we have a more flexible approach to fulfilling the objectives of the policies with a real focus on outcomes so it is less mechanical, more problem-solving, more benefit delivering.

I can very clearly tell you there is a lot of concern with borrowing governments about the levels of compensation and the scope of eligibility, and as we go forward this will continue to be debated. This happened when we revised the policy, and it also happened with other revisions of other institutions.

There is a lot of concern that the Bank basically start looking more and more at how we can use country systems for resettlement and land acquisition, and I think this ties back into this concern of how do you build strong country systems that have good standards and reliably deliver.

Also, communications with vulnerable groups has been an issue. There was concern that the policy address land grabs. Motoko will be talking more about the land tenure and resource grouping, but this came out.

Consultation standards and grievance mechanisms was an issue.

And then, how do we have effective remedies?

We will be having a meeting on Monday to discuss a number of issues on involuntary resettlement following a submission that was received on this issue, and I am certain we will be discussing all these in much greater details then.

Indigenous peoples policy. Something that happened as a strong position from the indigenous peoples' leaders long before the consultation process happened was this concern that we maintain a freestanding indigenous peoples' policy and it not be merged with other social policies.

Another, of course, is the United Nations Declaration on the Rights of Indigenous People should serve as a framework and as a reference point as we go forward. As many of you know, when our Indigenous Peoples Policy was last revised in 2005, the Declaration had not been adopted.

Land rights of indigenous people--very strong views that this needed to be addressed.

And then, improving the consultation, the use of local languages and the effectiveness of grievance mechanisms for indigenous communities.

And, obviously, these are real thumbnail sketches of the points that were raised.

With regard to the question of natural habitats and forests, my earlier comment, I noted there were a lot of people saying we should look more like the IFC where they integrated those two concepts, where we had ecosystem services as a standard, and a lot of that was the architecture as well as this question of the IEG report on forests.

Monitoring and evaluation--quite consistent. We need to measure what we are doing better. We need to have clearer monitoring standards. We need to have better dissemination. And many people thought we should have third-party monitoring on a selective basis but use that to have communities engaged in particular.

So what are the **Next Steps**?

We have heard a lot, and quite clearly, what we heard is diverse, but we have got some things where there are people coming together. We have got others where we have got outlying questions we will have to continue to engage on. But I think the spirit in which everyone approached the meetings, with rare exception, was a constructive engagement to express their views, their experience, their ideas, and not just to engage once but to engage in phase one, two and three, and lots of interest in what do we do next and how do we engage, but also some outstanding issues on the consultation process. So I would like to clarify what we are doing.

On this issue of consultations with project-affected communities, we are utilizing the model that was developed for the IFC policy revision.

We are going to have teams go out to four regions--Africa, East Asia and the Pacific, Latin America and South Asia--to meet with selected communities. These are the regions where we have the most direct impacts, particularly adverse impacts, on communities. We are piloting the methodologies. So we are taking the IFC methodology that was done for the private sector, piloting it in Latin America and the Caribbean in May and adjusting it because we are looking at public sector, rather than private sector, operations. We will be using the same firm that IFC used for continuity and comparability of the findings. And then we will have a final report that will be posted on the web site.

With regard to indigenous peoples--and some people that are in this room were in some of these meetings--we are going to have a dedicated consultation process for indigenous peoples. This is being led by our new Indigenous Peoples Advisor.

What we are going to do is we will review the Indigenous Peoples Policy, the other policies which have direct linkage and the emerging issues discussions, including the discussion on free prior informed consent for indigenous peoples during 2013 and 2014.

We have already had meetings with indigenous peoples' leaders to jointly design the consultation process--this dedicated process. We have had meetings in Manila, Guatemala City. We are planning meetings in Costa Rica

and Panama, which just happened. We are also planning meetings in Peru for South America, and we are going to take advantage of the Permanent Forum on Indigenous Peoples Meeting in New York in May to expand the Latin American discussion.

So the dialogue is ongoing. We are going to have the plan for the dialogue ready in June. And then this will continue in parallel with the other consultations and feed into them.

You have already heard from Kyle and Sumir the Next Steps. You can see them on the PowerPoint. But the key thing is what we will be doing is--whether it is phase one, phase two or phase three--we will be compiling in an integrated manner the contributions from consultations face to face, consultations online, written submissions, and allow not just our Board but you and other interested parties to see the diversity of inputs we are getting.

I would like to say in closing I really appreciate the fact that people have wanted to engage and have been willing to put in so much time to better inform the way we are operating. Whether it is the governments that we are working with or the private sector or civil society or indigenous peoples' leaders or labor, everyone has come to the table with constructive ideas. I hope at the end we will have something which we all think is worth the effort. So I will stop there.

MR. BURRETT: Thank you, Stephen. I hope you can all hear me. My name is Richard Burrett. I am a Fellow at the University of Cambridge Program for Sustainability Leadership. I am delighted to be here today. CPSL is working with the World Bank in facilitating a number of these consultation meetings.

Before we start the open floor session, one or two logistics: We would like to know who is in the room with us today, so we will be passing around this list which we have asked you to complete if you could. I will start that process now. Secondly, we are going to have an initial set of comments and questions from you on Stephen's presentation on the country consultations and the general feedback that was heard there. Then we are going to have a short coffee break, and then we will move on to the feedback from the expert focus groups in

emerging areas. So we will do that after the coffee break. If you have got any burning questions on the latter, then perhaps you can save them for that session. In terms of logistics, you will see there are two microphones on stands. We have been told that this is the best way to capture your questions. And so, if you do have questions, can you please go to one of the two microphones and pose them, giving your name and your organizational affiliation? That is enough for me. Over to you for your comments and questions.

QUESTION: Good morning. My name is **Titi Soentoro**. I am from **AKSI-Indonesia**. So Indonesia has a good achievement in the Bank, which is number five or six for top borrowers. Because I am Indonesian, English is not my native language. It is Bahasa Indonesia. Therefore, every word you say I have to work in my mind what is the meaning of it, and then sometimes if you speak very fast I also need to be clarified what you mean with your words. So I hear--I mean, this is very important because that is the principles. You open with the statements that aside from doing no harm is we need to add a do good. In my mind I cannot perceive it. No harm is mean no good because you want to add with do good. So, I mean, you need to clarify what you mean with no harm and do good so we can understand. Otherwise, we think, okay, then until now no harm for you is something not good.

The second is about strike of the balance because I understand you receive a lot of input and you want to strike balance. But what is the bottom line of your balance--striking balance?

You know, because without the bottom lines then it is unclear, a very vague framework you will have.

And then the next one is about the consultation in Jakarta. We see also several issues there.

I still checked this morning the information about the consultation in Jakarta. You still put multi-stakeholder consultations. But in Jakarta, in our opinion--we already raised it to Steve--it was not multi-stakeholder consultations. So, back to the English language. If we hear multi-stakeholder meetings, it means a meeting where different multi-stakeholders are there together. But if you say meeting with multi-stakeholder consultation, it might be you have several groups of people. But, in Jakarta, the meeting is only with the

government in the morning in the World Bank Building, with the private sector also, and then in the afternoon with NGOs in a place which is difficult to assess because of the traffic jam. So it means it was not multi-stakeholder meetings. It was a meeting with the CSO. So, I mean, your information should be clarified on that. And then, we also already raised the issue that we did not have the opportunity to discuss with our governments, to discuss with private sectors active in Indonesia and also the development agency, on what are the bottom lines. What is our common ground if we talk about safeguards because we were separated? We would like to have a really multi-stakeholder consultation and build up, you know, a common framework-- what is a safeguard according to the Indonesian and operate in Indonesia? So the issue of documents is also the other thing. And the other thing is about the gender issue. I also checked this morning--when will be the expert meeting on gender? And this morning I did not find it. Maybe now you already know when. So it means, again, this is evidence that the women and the gender issue--you will put it at the end of everything. So it means, what is the difficulty to have gender discussions within the safeguards? You know, you have already the others there but not the gender. And then in the Asian Development Bank, a chief one is aside of it is applied for all policy, but it is also the chief one of the Bank is gender considerations. So these are really the things that many came out particularly from the Indonesian consultation. Thank you.

MR. BURRETT: Thank you. Stephen, I do not know whether you want to take that set of questions, or any of your colleagues.

MR. LINTNER: Let me just respond quickly to Titi, who played a very active role in our discussions in Indonesia and also in the CSO Forum. With regard to the question of do no harm versus do good, it is basically something which is the use of language. People, for a number of years, have said the objective of safeguard policies was to avoid harm; do no harm. And what people are saying is beyond avoiding harm they should have a more proactive role, a supporting role, in promoting good. So it is going beyond not having bad impacts, to say, how do you use them to promote good impacts, like the concern you have broadly on gender which we have

discussed a number of times? With regard to the question of the nomenclature of the meeting in Jakarta, as I said in that meeting, we will retitling the record of the meeting because although we did have other parties invited it became a meeting that was dominated by nongovernmental and CSO organizations and, as you know, covered almost eight hours in two days. I think it was a really good discussion, but I think, as we said then, we do need to clarify the description of it, and that is a legitimate concern. The fact that the site was imperfect affected all of us, including me, but there is a booming economy in Indonesia, and it was very hard to get a space. With regard to the Asian Development Bank, it is simply just an issue with the space on the slide, and I will revise it to capture that point. On the gender discussion, my colleague, Motoko Aizawa, will bring that up in her presentation when she speaks later. So that is where we will try to pick this up.

Striking a balance. What we are going to try to do is be transparent. But in the end, as my colleague, Kyle Peters, said, we are going to have a board meeting to weigh tradeoffs, and I hope we get the best balance possible. Clearly, we have a commitment to environmental protection and social inclusion, and the question is how to best achieve that in an organization which has over 180 governments as the owners and members.

MR. BURRETT: Okay. Thank you. Can I take a question from the front microphone, and then the next one will go to the back.

MR. LINTNER: Excuse me. I believe Kyle Peters wants to make a comment here.

MR. PETERS: [Speaking Bahasa Indonesia, not interpreted.]

[Speaking English.] But please think we try very much to listen to the views.

And I take the point--I think it is a very important point--on the web, about how we describe the consultations in terms of characterizing the way the audiences were segmented. I think we need to go back and make sure that we are very clear about the way the process was held. [Speaking Bahasa Indonesia, not interpreted.]

QUESTION: Chad Dobson, the Bank Information Center. Two comments: One is that working together with the Bank as we go forward on this, there is a lot of importance I think for some of us about the relationship

between Bank staff and the stakeholders. So I just note with some sadness the turnover in the team. It is going to be difficult, and I am hoping that the Bank finds incentives to keep the team together so we do not have to struggle with this. The second point is, Stephen, you talked a lot about, or mentioned a number of times, the Asian Development Bank. We have had the Secretary-General here this week. You referenced the Paris Declaration. And I think, increasingly, we see the use by other institutions, even within the larger U.N. family as well as your sister MDBs. We know that some policies have been adopted word-for-word by other institutions. And I would find it useful, I think, if there were technical working groups across other institutions to share things, with the notion of harmonization of policies among them. I think there has been a lot of question around whether or not that would be useful.

We know that there are differences among regions and among states; we understand that. But there is a lot of similarity. And I think that a lot of borrowers as well as civil society would find it very useful for having some sort of harmonization and think about that at this point as opposed to the Bank doing its own thing and then hoping that others are able to pick up for it or not. You know, EBRD is doing safeguards now; the African Development Bank is. We will see soon. So we would appreciate that.

MR. BURRETT: Should we take a question from the back microphone now?

QUESTION: Good morning. My name is **Derek MacCuish**. I am with the **Social Justice Committee of Montreal**. In talking about language, language is not just a question of what words mean in different parts of the world, but they betray meaning in different ways. In looking through the material that was presented today, a couple of things jumped out at me. One is the use of the word "some": Urged by some to consider adoption of a rights-based approach; some contend that the Bank should require compliance with relevant international conventions and agreements. The use of the word "some" in just a few instances seems to work to marginalize that kind of input because the use of the word "some" is not used for other inputs. It is only used when we are talking about human rights and international law. So, why is it presented as the perception

of "some" people are saying this? The CSO paper, the joint paper, clearly was on the side of a rights-based approach in the respect for international law, and that was signed by some 180 organizations around the world, right? So, what does it betray to me? To me, it betrays a flawed process, one of self-censorship--the flag that a rights-based approach and respect of international law is, in the end, going to be set aside. That is what the word "some" reflects to me. So, how do we work around this? How can we balance this out?

As a CSO, I look at it and I go, well, all of these people are providing their input to you. All of these NGOs--they put their own resources into it. You have already indicated that, yes, you respect the time that we put in.

But when a person does not pay for something, it is easy not to value it. And you guys are flying around the world, but for us, it is expensive to take part in this stuff. There is no access to resources, and you have no embedded system to help NGOs and CSOs have their voice and be assured that the voice is reflected in what comes out. So those are my comments. Thank you.

MR. BURRETT: Thank you. I think there is a linked point at the front there, perhaps. Yes.

QUESTION: Very much so. I will be quick and thank you for this opportunity. It is not an easy task you guys have. **Sasanka Thilakasiri** from **OXFAM**. Derek basically said exactly what I was going to say. I realize this is an initial session and we will get into the details in subsequent areas, and then this is not necessarily saying the status of what the issues are that are raised, but the thing which jumped out at me was the word "some" in the context of a rights-based approach. I think everyone in here will agree that we come very different issue caucuses and different areas, and I am talking about Bank and CSO and private stuff. But I think everything that we do is a rights-based approach. So I think having "some" there--I mean I would almost like to take a straw poll here--who here does not think that what we are doing is a rights-based approach? So we need to be very careful with that. And I guess, secondly, the second bullet was then saying, contrary to that, that we ought to have the other approach of a risk-based approach. I think we have been hearing that a lot this week, and it is a lot of new language. Obviously, we want to go to all the areas where we do not have engagement.

We do not want to leave anyone behind. And that sort of risk-taking is good to ensure that we are being inclusive in our approach. But to say that there is a tradeoff between rights and risk is a real--it is a really--what is another word for perverse? It is not the right way to go about it. I think everything we do here is a rights-based approach. So I would be interested to hear what pushback there was or who is saying that it was not a rights-based approach to have that word "some." I mean, Derek basically said what I wanted to say. Thank you.

MR. BURRETT: Okay. Thank you. I think, is there any feedback on those comments?

MR. LINTNER: Yes, I will be quite happy to feed back, and there may be others that may want to also.

Look, with regard to the point Chad made, there is actually quite close coordination between the multilateral development banks as broadly defined, both the large ones as well as the smaller specialized ones. We get together regularly, and we peer review and transmit information to each other. So I think we have an effective way of doing that. We have regularly served as peer reviewers and advisors on other policies. So I think the concern you have is legitimate, but I do want to tell you we actually have a functioning structure through which we do that, and we have and will continue to brief our colleagues on what we are doing, as they do. And it is just not the large banks. We have the Black Sea Trade and Development Bank, the Nordic Investment Bank, and we have had Islamic Development Bank in these dialogues. So I think that is a valuable type of thing. I am not going to discuss personnel issues at the World Bank. That is for others. I think most people can see that my hair is rather white at this point. With regard to the use of "some," I want to be very clear. This is a PowerPoint that has been drafted by me. I am not a lawyer. I am not implying anything.

What I am trying to capture is that we did not have all parties say that we should have either a rights-based approach or all parties say that we should have a risk-based approach. We had a diversity of opinions.

The point that was just made by the colleague from OXFAM--we also had some people say you ought to do both. But this is an area where there is not an agreement. It is an area where there are differences of views, and we are trying to highlight the fact that this remains a place where you have some government parties,

some private sector parties, some nongovernmental parties, some indigenous leaders' groups, some union groups, who may have a difference of opinion. So "some" is certainly not meant to be denigrating. It is meant to show that there is a difference. And maybe I should reconsider the use of that term, but that is the intention here. It was just in a discussion to try to capture the fact that there is not a broad consensus; in fact, there is a range of opinions about, first of all, even what these things may mean.

You heard the comment from OXFAM--well, what do you really mean by a risk-based approach? We have also got people saying, what do you really mean by a rights-based approach? So I think as we go forward the kinds of discussions and the kinds of commentary are going to prove to be important so everyone, in fact, has a common understanding about what we actually mean.

And so I recognize the concern raised, but I do want to clarify the intent was not marginalization. The intent was capturing the diversity of views on something. I know most people here in this room say rights-based approach is a fact. There are others who are still debating it. Others feel risk-based approach makes sense. Probably there is a mixture of the two that needs to be dealt with. But that is the intention, to clarify that.

MR. PETERS: Just to amplify that point, actually, I think it is a good point that we need because words are important, and the way we say things. It is probably true that everything on this page was said by someone and not everyone. So I think we will be sensitive to that. I think that is an important point. On the retirement, people coming and going, as the person who just came, it is a great stress to me that there are others going. But let me just say that this is an institutional process in which we have three very big departments, or parts, of the Bank--the Legal Department, the Sustainable Development Department and External Communications Department and the Operational Policy Department, or Region, whatever we are--behind us.

So, I mean, yes, there is a natural ebb and flow of people, and it may appear that there is a great amount of transition which we are trying to manage. But I think overall this is, as I said in my introductory remarks, a hugely important issue for our authorizing environment, our stakeholders, our beneficiaries, civil society and

the World Bank. So we will manage this as an institution in that way, but people will come and go. That is harder for me as a manager to manage, I think, than you, but I take your point. Thank you.

MR. BURRETT: Okay. What I am going to do now is I am just going to take questions from the people who are standing, and then we will get feedback from the panel, and then we will have a coffee break. So can we start at the back microphone first?

QUESTION: Morning, everybody. My name is **Rio Ismail** from **AKSI-Indonesia**. I will speak to all of you in Bahasa Indonesia, and Stephanie will help me to translate to all of you.

[Interpreted from Bahasa Indonesia.] I would like to share with you simple things in connection with the presentation this morning. So there are two points that I would like to bring up. One is, first, I was interested to note that you identified country systems as important. The second, there was mention of the IFC being used, for example, as a piloting methodology; also, the facilitator from the IFC. We note that in our consultation process these issues were not mentioned at all, in the least bit. We would actually like to know who exactly made those recommendations because in our Indonesian consultation, for example, Mr. Lintner promised that we would get, first of all, a very clear transcript of what happened in the consultation, not just the civil society consultation where we were separated from our government and private sector but also what happened in the other consultations, and in fact, we have received no notes at all. We have to say that without any recordings, or recorded materials, it is difficult for us to really be certain that what is being reported back here accurately reflects what happened in the consultations. We note that there were significant differences between what was said in the CSO consultation and what was recorded in the first draft of the recording. Mr. Lintner indicated that the methodology of the IFC was not under consideration, and yet, in this presentation here, it appears that they are going to be piloting the IFC methodology, which is a direct contradiction. Now I would like to speak about country systems. Regarding country systems, this is a very complex thing for countries like Indonesia--for example, in our country, especially looking at land acquisition and resettlement.

In places like Indonesia, for example, we have a land law which creates tremendous problems for local communities, and these areas are often very high conflict. In 2012 alone, there were more than 1,900 conflicts in local communities and rural areas. In the last five years, we have seen a significant increase in conflict on lands that border forested areas. Communities and individuals who were forcibly displaced under the Suharto dictatorship have now come back and reclaimed their lands and their forests, leading to high conflicts. We also have a fundamental weakness in Indonesia regarding our environmental impact assessment laws, which provide very small opportunities for public input or public process. For example, under the environmental impact law, there is an opportunity for public comment that is only 30 days long, and that is simply for comment; that is not a veto right or a right to express that they do not wish to have the project placed there. This is significantly worse than the ADB standard of 120 days, as well as the World Bank standard of 60 days. In the year 2012, there was a new law brought into effect about environmental permits, to give an environmental permit for a company. In the case of significant environmental impacts, the public has a mere 10 days to comment, and projects which are deemed not to have a significant environmental impact, they are only given 3 days to comment.

MR. BURRETT: Excuse me. I am very conscious that we have a number of people wanting to speak. How much longer do you want to speak for?

QUESTION: [Speaking English.] The last.

MR. BURRETT: Okay. Thank you

QUESTION: [Interpreted from Bahasa Indonesia.] In the context of the Indonesian Forest Investment Plan, for example, there is formal written agreement, a three-year-long agreement, between the Indonesian military, the National Army and the Ministry of Forestry for climate finance activities, and therefore, funding that goes to the Ministry of Forestry can be used directly to fund military operations in these climate finance areas. So we hope that in this safeguards process, including the FIP, including climate finance, that there is a clear

assessment of countries like Indonesia, and given that multilateral development banks and transnational corporations have already seized so much from our country, that they must be held to absolutely the most highest mandatory standards.

MR. BURRETT: Thank you. Can we have a commentary?

MR. LINTNER: Can I respond Rio right now because he has got Stephanie interpreting for him?

MR. BURRETT: Okay. Yes.

MR. LINTNER: Rio and Stephanie, can I respond now?

STEPHANIE: Yes.

MR. LINTNER: Just so it is easier because of the interpretation thing, okay. First of all, I would like to thank Rio very much for participating so actively in the consultations in Indonesia and also for his presentation earlier this week at the CSO Forum. With regard to this question of the IFC performance standards, what I would like to point out is this is a debate which many people in this room have been engaging in for the last 18 to 24 months. I can see Chad Dobson smiling. This is something where there has been a lot of discussion about this in many fora because some people do say, well, why don't you just adopt IFC? Okay. So, with regard to the discussion we had in Jakarta, the point I was making was there was no decision by the Bank to adopt IFC. What I said, and it may have been misunderstood in Jakarta, is there has been no decision by the management or the Board of the World Bank to move from our safeguard policies to the IFC performance standards. And I know a number of people, including yourself, have expressed concern about IFC. With regard to the minutes of the meetings, I just came back to Washington on Monday night from the consultations, and I am working with the whole team to get the minutes and things up, and we will be circulating them to participants, like yourself, to look at before they are posted. And that is consistent with our commitment to make certain. The point you made about the concerns you have, and others who I have met with in the past about Indonesia--Titi, yourself, Stephanie. We are aware you have concerns about the governance issues, about the

application of AMDAL and also questions in the forestry sector, and I think this reflects the diversity of country settings that we need to be acutely aware of as we go forward.

MR. BURRETT: Okay. Can we have the next comment.

QUESTION [Abdelmawla Ismail, Egyptian Association for Collective Rights]: On a decision for collective rights, I will speak Arabic.

[Interpreted from Arabic.] What I would like to focus on in my talk is that you know very well that land and water resources--what I would like to focus on in my presentation is that you all know that land and water resources are considered to be very rare, and the people who number about 80 million people depend on it for their production of foodstuff.

Unfortunately, most of the World Bank projects in Egypt are built on agricultural land that is very close to the Nile River. Consequently, in the very near term, the agricultural land will be destroyed and will cause heavy pollution to the river and the ability of Egyptians to produce foodstuff, particularly on small holdings among farmers and fishermen and areas that are in dire poverty, very abject poverty, that cannot find other methods of livelihood. Also, a number of the population will face severe problems affecting their food security. If that food security is going to be among these basic four policies, what is being implemented in the Bank's projects contradict what concerns the food security in Egypt. So we hope that safeguards will include a regional strategy so that they will discuss that no buildings will be built on agricultural land, so that they will be part of the preservation. The second point concerns the level of projects. Concerning the special consultations on assessment of the environmental impact, it happens that it is really highly corrupt. In Egypt, of course, we hope there will be a real role for civil society organizations through clear, transparent, effective institutional standards to be implemented on participation and instituting studies, under monetary studies, before a project is approved or implemented. Thank you very much.

MR. BURRETT: If we could now move to the back microphone for the final two comments or questions.

QUESTION: Thanks. I am **Gretchen Gordon** with the **Indian Law Resource Center**. I wanted to raise some concerns with consultations, in particular, engagement with indigenous peoples and affected communities. I want to applaud the Bank for having dedicated processes for indigenous peoples and for affected communities, and I hope that those are robust and comprehensive and ongoing beyond the safeguards review process. But I also wanted to stress that that should not mean that those organizations and affected communities are not actively included in the multi-stakeholder process. And from the consultations that I am familiar with in Latin America, major indigenous peoples' organizations were not aware of the consultations happening in their countries. So I think there is great room for improvement there.

And to give a stark example on the affected communities, the community organization which represents those impacted by the Chixoy Dam in Guatemala, which led to the relocation of 11,000 people, largely Maya Achi, were not made aware of the consultation and when they tried to register were told that it was too late to attend the multi-stakeholder consultation. I raise this because they should be included in the process to raise their concerns for their own benefit. They have some serious concerns about not having yet received reparations for those harms and those rights violations. But I also raise it because their input is critical to having an effective safeguards review process. So even if there is separate engagement with some of these communities, there is a value to having their input brought out in the public multi-stakeholder consultation process so that all of us can learn from the input that they have to share. They submitted an open letter. I hope the Bank will post that on the web site as part of the consultation feedback. And I wanted to give some opportunities for how the Bank could do better. I think that it would help to publicize the multi-stakeholder consultations in major media and that media accessible to indigenous peoples' organizations.

And I wanted to know what the Bank's plan is for reaching out to affected communities. I know there is a selection process, but how many will be included in that process for dedicated consultations?

And then what is the plan for notifying all affected communities that there is a safeguards review and a

process for them to input? And that is.

MR. BURRETT: Thank you. At the front. If we can keep our comments as succinct as possible, please go ahead.

QUESTION: I will do my best. I am **Lauri Myllyvirta** with **Greenpeace International**. I wanted to ask about how you are taking on board an assessment of the effectiveness of the existing safeguards in the process.

I mean, it is all good to say that you do environmental and social impact assessments. But how do you assess as a part of the process whether the assessments that have been done, whether the impacts have actually been predicted correctly? For example, with energy access, the projects where the justification is energy access, have they actually given energy access--which has not been the case with most centralized projects. I certainly hope that the new safeguards will have a much stronger emphasis on climate change. But how do you assess whether Bank lending actually reduces or increases CO2 and whether you are doing more or less to increase investment in renewable energy than the private sector currently does, or do you have a long way to go? So that was my question. I wanted to make a comment on doing good, which is I see that the essential thing is to be much more active in promoting the conditions for investment in good projects. With the energy sector that I work on, that would mean financing renewable energy policy schemes, support schemes, not only projects, and investment in grids and other conditions for renewable energy growth. Thank you.

MR. BURRETT: Thank you. And the final comment.

QUESTION: Thank you. I am **Jessica Evans from Human Rights Watch**. I would like to raise some concerns about some gaps and inaccuracies in the reporting of the consultations and wanted to really urge you to ensure that the edits that we submit to you need to be adopted, and if not, then you need to make very clear to us that you do not believe that is what we said. So my colleague from Canada spoke yesterday about his experience. We have had the experience in several consultations where people have raised very specific issues, particularly around human rights, that have not been captured in the minutes. We have asked for the

edits, and in only some of those cases have those edits been adopted. This is a massive concern for us, considering we know that CODI will most likely only be reading those minutes to know what we are saying. In the slideshow that you just presented, I want to mention two specific gaps in addition to what my colleagues have mentioned. One is around upward harmonization. Our request is not just upward harmonization within the international financial institutions. And, Stephen, you actually said development agencies, which is a little bit broader. But, in addition to that, our task is upward harmonization to comply with international law--the best standards of international financial institutions, development agencies and international law. And I think that has been clear and consistent throughout. The other significant gap is in the assessment slide. We have seen a significant number of organizations making a call for a human rights impact assessment, and that is missing. The rights language is missing from that slide, and the particular call for a human rights impact assessment. Thank you.

MR. BURRETT: Thank you. Stephen, final comments on this?

MR. LINTNER: I would like to see since my colleague, Kyle Peters, is going to have to go to another meeting, whether he wanted to respond before I do. Kyle, do you want to respond?

MR. PETERS: Yes. I cannot respond to all of it. I mean, I think we will have a long conversation about a lot of this, but let me share the concern that I have just on two points. I think it is good to get this feedback about the minutes and about the recording. Since elements of the team just came back, we struggled to put a lot of stuff on the web in the last few days, in the last minute. So we need to do that. But I think it is a very important point that we need to take on board about--I mean, if you feel you said something and you do not feel we accurately put it on the web, then we have a problem. So I think we need to address that.

I will say that just because we put it on the web does not mean we agree with it, but if you say it in the way and you look it, then I think it should be properly reflected on that. So let us go back and take a look at that because that is of concern, and I think it is a legitimate point. The second thing and maybe the last comment I

wanted to make on the earlier comment about the multi-stakeholder versus the meeting with individual groups--I do not actually know what happened in Latin America. I know that I have some conversations with some of you that we are only getting there in terms of making the notices right and giving people enough time. But I thought our intention was that some of the groups you mentioned, and particularly the indigenous people, had come to us and said that it was not that we were not allowing them to come to the multi-stakeholder thing, that they felt we needed to reach out to them specifically. So I look at what we are doing as broadening the opportunity to engage with certain groups because they expressed that desire, not the desire of them not being invited to multi-stakeholder things. Is that correct, Stephen?

MR. LINTNER: Yes.

MR. PETERS: But, again, as I said--and I think Chad made this point to me earlier when I first came on the job. The process of notification about the consultations and everything--we have taken the point that maybe in the beginning we did less well than we are trying to do now, and we are trying to improve that. So I will say that we are working on it. And, second, I will say there has been no intention of ours to exclude people from multi-stakeholder discussions. I think we were just trying to, as I said, broaden so that people, if they wanted to interact in a certain way and there were particular characteristics, we would try to do that. We are learning. We will keep doing this. So, thank you. And I do need to go, and I thank everyone very much for the feedback. My team can stay. I will give it to you in just one second.

MR. LINTNER: Okay. Let me just respond to a couple of other points. First of all, we had our Egyptian colleague who raised longstanding concerns in Egypt about the conversion of agricultural land for other uses. I think this is a longstanding concern of the World Bank and the development community, and I think the point is very well taken, having worked a very large part of my career in Egypt. The issue of the quality and authenticity of consultations on environmental assessments and the need to engage communities in Egypt in a very new Middle East, I think, again, is a point very well taken. Clearly, we need to see what we can do to

always steadfastly assure the quality and accuracy but also having civil engagement more broad as things have dramatically changed. Egypt is a place where we have done third-party monitoring actually on industrial pollution, and that is something we could talk about during the break. Gretchen, I agree that what we need to do is do better. Obviously, we have no interest in exclusion. The issue is, how do we do this better? Clearly, we want indigenous peoples' leaders and communities represented in consultations, but I know you have been making input also as the Indian Law Resource Center into the planning of the dedicated process. So I think they need to complement each other. And I can see Luis Felipe has come back from Central America. Our Indigenous Peoples Advisor is here if people want to discuss the dedicated consultations with him, specifically. Luis Felipe, do you just want to wave your hand or something since everyone does not know you, since you are new? Okay. With regard to the questions you raised about would we be posting the letter from the Guatemala party concerned with the hydropower, we will definitely post that letter when it is received. And we are sorry if there is a problem of them attending the meeting, and we can talk about that outside. With regard to our Finnish colleague from Greenpeace, we have had the Independent Evaluation Group, the IEG, which reports to our Board--it is an independent body, the same way the Inspection Panel is an independent body, reporting to the Board--conduct an evaluation of the experience with the application of the safeguard policies of the World Bank, the performance standards of the IFC and MIGA. So that is an evaluation of success, and it points out some of the things you have raised, which is how do we better monitor and evaluate and capture these things. And I think the point you made concerning how do we make progressive approaches to energy part of our work--clearly, that is something we need to do in our work on climate change mitigation and adaptation but also in our work on the energy section. And I think we had a good discussion the other day when you were speaking about your analytical work on Kosovo. But my colleague, Motoko Aizawa, will be discussing some of the outcomes of the climate change discussion, which links into what you said in your comments. Lastly, with regard to Jessica's point, I think that like any process, it is iterative. You have heard Kyle on the

question of discrepancies in the consultations. If we have got a problem, we certainly, sincerely want to get that rectified. So, if there are things you think are not accurate, please let us know. We will get that handled. Upward mobilization--I take your point. And also, the whole question of harmonization and linking to international law--perhaps we captured that in a different way here than you necessarily would have liked. That is not our intention. We were talking about the whole debate of how does the Bank deal with international law beyond environmental law, and that was captured in one slide, but it was not captured in the harmonization point--the upward harmonization point. In terms of the human rights impact assessment, quite clearly, that is something we have been discussing. We try to be comprehensive without being perfect sometimes.

MR. BURRETT: Okay. Thank you, Stephen. We are going to take a short five-minute coffee break now, and then we will turn our focus to the expert group feedback.

[Coffee break]

MR. BURRETT: Okay, if I could ask you to please take your seats, we need to start shortly.

MR. BURRETT: Okay, ladies and gentlemen, while we settle down. I have just had a quick look at the Civil Society Forum policy list of participants, and looking at the list, it looks like a small meeting, largely dominated by World Bank staff--

MR. BURRETT: --which I am sure is not an accurate reflection of this meeting. So, if you did not have it, then let's pass it around and see if we can get some more names on it. Secondly, I mean, we are very conscious that this meeting is running over. I would like to thank our interpreting staff, who have done a wonderful job. They, unfortunately, have to leave us at 12:00 to go on to a Board responsibility, but we are proposing to continue to 12:30 or so if you are happy to do that. Anyway, Motoko, should I ask you to start?

MS. AIZAWA: Okay. Thank you very much. Welcome back, everybody. I am glad you came back.

Welcome back also to those of you who are listening to the web cast, and thank you for indulging us while we

went and guzzled some caffeine to keep up the energy for the next session. So this session is about our key takeaways from the emerging areas discussions, and I am going to focus on the **external focus group meetings** that we have organized. So my role is really to try to demystify what happened in these mysterious closed-door meetings and just to convey our key takeaway. I went to all of them, and here, I mean six of them. And I will come back to the gender one in a minute. They were tremendously useful, stimulating, exhausting, and I really enjoyed all the perspectives. And so what I would like to do is to try and share the perspectives as much as I am able to do within a limited period of time here. We also have at least one expert in the room from each of the external focus group meetings that we have organized, and so after I rattle off our key takeaways, we are going to ask--actually, Richard is going to cue you one after the other so that you have a chance to provide your personal perspective again on what you have heard from those conversations.

I want to just make it clear that I am presenting what we heard. So this is not a representation of the consensus in the room. I do not know that there necessarily was a consensus on everything that we have discussed. I also need to make clear what is, I think, obvious to you--that what I am going to put up there is not necessarily for our action; it is for our consideration. No decisions have been taken on any of these emerging areas. What we need to do to weigh all of the inputs. And the second thing that I want to make clear is that the inputs received from the EFGs--I am sorry. I am going to now use the World Bank acronym. EFGs--external focus group meetings. I just want to make clear that the inputs from EFGs are not the only inputs for our consideration regarding the emerging areas. Obviously, you have put in a lot of time and effort, crafting your statements. I want to acknowledge those, and I am really looking forward to having some calm, and the presence of my mind at least, to go over those in May. So I just want to mention that because there has been a lot of interest in what actually happened in the external focus group meetings, I am going to be focusing on those this morning. And I just also need to make one more clarification. Not all meeting notes have been posted from the external focus group meetings. In fact, only one is available. That is because I have been

traveling so much; I have not been able to go through them all. In some cases, we made recordings. I want to just contrast between what is written and the recordings, and I just want to take care to make sure that they are accurate. So, apologies that they are not posted, and I have tried my best to capture the key points that I think emerged from these meetings the best I can. So, here we go. I just want to remind you again that our commitment is to consider whether and how the Bank can address the seven emerging areas in the new safeguards. So we are going to be considering both policy and nonpolicy options. We are also going to be consistent with our World Bank Articles of Agreement. This is what we said in the approach paper. This is where we are now. What we did with the external focus groups is to match each topic--sorry.

What we did with the emerging areas is to match each area with an internal focus group, pulled from different parts of the Bank. They came together and brainstormed on possible approaches, possible options, possible entry points, and they put together the guiding questions for the external focus groups to discuss. So there is the internal process, and then there is the external. The external focus group was meant to be a space where we can discuss these emerging issues in an informal setting and to have a brainstorming on how we might think about these areas. I actually heard somebody say: What do you mean--emerging? These have been there forever. So, again, acknowledged. They are new for Bank safeguards. So they are a new challenge for us in this particular setting and, hence, the name.

We thank you for nominations for people to serve on the focus groups. We have also solicited internally for nominations. And what we did is to sit down, look at the long list and to pick names, considering the need for balance in the room--so both a mix of theoretical approaches versus practice approaches, a mix of gender, a mix regional representations, a mix of different backgrounds. And so we put together the final expert group based on our judgment. So the determination made was our determination.

The meeting notes will be online, hopefully, in early May, and there you will really get the full sense of the meetings because the meeting notes will be vetted by all the experts who have participated in the meetings.

The terms of reference--in case you need to go back to them, they are also available online.

And just to remind everybody, people were invited in their individual capacity, and discussions happened in accordance with Chatham House Rules. Therefore, there will be no attribution either in what I say or in the meeting notes. I just want to thank the experts who came, traveled far and near, and were very, very open to discussing the discussion questions that we put in front of them.

So I am going to now just rattle on pretty quickly and bear with me as I go through this. I have one slide per emerging issue. I am going to go through them fairly carefully because I think you deserve to know what is in it even though you have the handouts in front of you, and I also want to read these out for those who are listening. I will try and go not too fast so that you can catch up. So the **land discussion was the first one**. It took place **in Johannesburg, February the 20th**. And here are the key points that we have heard:

It was very clear from the group that their recommendation was for the Bank to raise the profile of land issues in safeguards, and the recommendation was to reflect international consensus on land issues.

When we asked, what do you mean by international consensus, two things came up--the voluntary guidelines, very strongly, and also African land policy guidelines came up as a reference point that we could consider.

There was also a very strong recommendation for us to adopt a broad view of land-related impacts and outcomes. So this meant not just focusing on land tenure issue but taking a landscape approach and to think about water, and land and water linkages, land and natural linkages, et cetera.

Also, a suggestion to protect and enable vulnerable and marginalized people, and ensure and strengthen their voice. And, finally, a strong recommendation to reorient safeguards from doing no harm to doing good.

And here, just to come back to, I guess, Titi's question earlier about what do you mean by doing good here-- here, I think the recommendation was for the Bank to be far more systematic in looking for opportunities to benefit those who are vulnerable and marginalized so that it is not a haphazard activity but to do it in a very, very systematic way, to ensure that those opportunities are actually built into the project. Okay. Now I am

going to move on to the **free prior informed consent of the Indigenous Peoples** discussion. That was **March 21st in Manila**, and that was attended by Luis Felipe, also others in the room.

The discussion started off with a lot of reservations about the participants, saying, you know, FPIC--and I am sorry. I am going to use the acronym, FPIC. That really will not resolve the broader challenge of development of indigenous peoples or develop projects that negatively affect the indigenous peoples. So, yes, it is important, but it is really a part of a much larger discussion that the World Bank needs to have.

And if you want to do FPIC, you should really couch it in terms of rights. It should be couched in the rights context and particularly with a focus on right to land, right to natural resources, right to development, right to due process of indigenous peoples, and that the environmental assessment process really should assess impacts on the broader indigenous peoples' rights.

And here, there was a recommendation that we should consider how Performance Standard 7 addresses these issues--broader issues in the context of FPIC. There was also a strong suggestion to take into account the language of the U.N. Declaration on the Rights of the Indigenous Peoples. And when we asked, so what is the recommendation in terms of whose consent, when should the consent kick in and how should the consent be implemented, we had the answer that if and when indigenous peoples' rights under the declaration are affected or likely to be affected, these rights should be protected. And I felt, personally, that perhaps we could dig down further, but we ran out of time. So that was the wisdom from the group in terms of how to operationalize FPIC. There was also some conversation about countries that have FPIC in their domestic law, and we were particularly lucky with people who are very familiar with what is in the Filipino law regarding FPIC. And here, the advice was for these laws to have the right balance in terms of having prescription but perhaps not too much. There was some observation that perhaps the Filipino law went too far in having too much prescription. Regardless, indigenous peoples will need a lot of capacity-building. So it is not just about the IPs having access to information but having access to capacity to enable them to be partners in

development and not just to be a passive recipient of development.

Now I am going to the **labor** conversation, which we had **in Jakarta on March 23**. First of all, as you are aware, the safeguard policy review process is going on in tandem with the procurement reform, and so this discussion covered a lot about the connectivity and interrelationship between safeguards and procurement. And whether this topic of labor becomes a safeguard or not should be considered in tandem with the procurement policy review--was the recommendation coming out of the discussion. And the World Bank needs to guide borrowers on how to manage borrower contracts because right now that contractual relationship management and understanding what happens on the ground with contractors and workers is really left to the contractors, and the Bank and the borrower need to get far more involved in that process. We asked a question about the relevance of Performance Standard 2 in the public sector context, and this group felt that Performance Standard 2 works well with both public and private sector lending contexts because PS2 reflects ILO requirements and also covers requirements under local law. So the participants felt that these are good minimum standards and almost a no-brainer. There was advice that the Occupational Health and Safety Section in PS2 needs to be strengthened because it is weak on worker participation and voice.

And also, some advise that Performance Standard 2 should be considered in the context of Performance Standard 1, which is the overall process requirement, and also the Environmental Health and Safety Guidelines, which are the World Bank Group guidelines that cover 63 sectors or so--very specific about what needs to be done, sector by sector, and there is considerable amount of occupational health and safety information in there. There was also a suggestion that the Bank take seriously the importance of grievance mechanisms generally for this particular topic, and two takeaways here: first, that third parties--and particularly here in this context we referred to unions in particular--that third parties should be able to raise grievance on behalf of workers, and that both informal and formal mechanisms are necessary. Sometimes complaints are smaller complaints that should be dealt with through a more informal mechanism as opposed

to a formal one. And, broadening the discussion, we heard that not just discussions about safeguards but strategic discussions with countries are absolutely necessary in order to raise awareness and a capacity of borrowers and, in some cases, to deal with persistent issues and problems with noncompliance with ILO conventions and also to create opportunities to emphasize positive aspects and incentives for borrowers. And, finally, advise to the World Bank that we really need to do this in a joined-up approach among social protection, social security and social development, and that safeguards alone hardly can do everything in this space.

Now moving on to **disability**, which was organized on **April the 4th in Washington, D.C.**, for this, we had a very large group of people participating in this discussion. So the striking fact is that there are 155 signatories of the Convention on the Rights of People with Disabilities, and this is a huge number of which 135 have already ratified this convention. Therefore, the advice is for the World Bank to work with countries towards progressive realization of the convention objectives and specifics. There was a pretty strong view in the room that the safeguards should mention explicitly disability, and in particular, the Bank should consider universal accessibility to build environment, transport and information and communication, and that the assessment process should embed disability within a context of inclusive and equitable development, and that social assessment in which disabilities should be mentioned should happen systematically to understand up-front issues related to disability in a project and program context. There was also a caveat that implementation does not necessarily require the Bank to have a cadre of specialists in this area, but we could be very pragmatic. And it is really about asking the right questions at the key points of a project cycle, from project preparation through implementation, and that the key is incremental progress guided by experience. And beyond safeguards, the Bank should really have an overarching principle, strategy and program for the sector, addressing the needs for education--particularly education for children--and rehabilitation programs and access to transportation. And also, there was a suggestion to use trust funds effectively to stimulate demands

of borrowers for programs in this particular sector.

Moving on to **climate change**, we had this discussion **in Mexico City on April the 9th**. This was a very interesting discussion for me and a little bit different from other discussions. I think it is because the climate change experts in the room are used to looking at things in 10-year, 50-year and 100-year increments, and it is not so much about here and now today. So, first of all, the view from the room was that climate change has to be addressed upstream of safeguards because climate is a long-term and programmatic agenda. And, as a result, the group felt that climate change definitely should be mainstreamed in safeguards too, but the role of safeguards felt a little uncertain since they apply downstream and at a project level, and perhaps after project selection has been made and site selection has been. There was a view that IFC's Performance Standard 3 works well at project level and resource efficiency discussion is useful at the national level but definitely short on adaptation or advice on open climate action that is needed by the public sector. And we had a huge discussion about who will actually pay for the extra cost of mitigation, and there was some hope that perhaps there could be a formal link to the Green Climate Fund where some of the costs might be absorbed. We talked about the need for climate assessments. And regardless of where that requirement should sit, whether that should sit in safeguards or otherwise, I think the room was pretty clear that a greenhouse gas accounting should be done and that should include short-lived climate pollutants. But also, some practical advice on not going too overboard and do not let the perfect be the enemy of the good. Also, a suggestion that economic analysis should allow consideration of alternatives up front so that we can realize multiple co-benefits. We talked about the challenge about availability of data and that this constraints baseline and assessment processes. And there was a recommendation that the World Bank really can play the role of data custodian and help countries pull together what is there already. Perhaps it is not the case that countries do not have what they need, but they need to really pull it together, and this is where the World Bank could make a difference. And there was general advice that the Bank should be thinking about principles and guidance to

staff in this area, regardless of safeguards, and staff need guidance on how to assess risks and opportunities from climate change. So this is about risks from projects to climate and climate risks to projects and also looking at opportunities systematically. And again, the point about focusing on doing good and not just doing harm--and here, the context is for helping countries adapt proactive measures, particularly on adaptation and thinking about additional considerations on the mitigation side. And staff should be guided about identification of climate risks, some indication of what to do about them and a systematic monitoring of climate risks throughout the project cycle.

As you can see, we had the **human rights** conversation very recently in **New York City**.

So we started our conversation, as you can imagine, with the constraints of the World Bank, and there was definitely a recognition for the constraints related to the mandate and operating environment of the World Bank. Nonetheless, the recommendation was that it is really important for the Bank to establish a scope for engagement in this area, and it is important to put something on the table that would work.

So, while there is a range of opinions regarding what human rights are in the context of World Bank operations, it is possible to identify unifying principles and also for the Bank to be very clear about its procedures in implementation. And the recommendation was--for the Bank--the key principles here that are important are participation, nondiscrimination, empowerment, accountability, transparency and inclusive development. These are key human rights principles that are important in a development context.

Also, there was a lot of discussion about the importance of rule of law--that that, in and of itself, signals the importance of human rights. It is very important for the Bank to stress an enabling role to support the empowerment of the poor. Right? So also, to make a connection between human rights and empowerment of the poor. The issues need to be incorporated in a coherent way into everything that the World Bank does, so again, a mainstreaming agenda here. And again, the group was saying that safeguards would be just one way of doing that. But it is really, really important for the World Bank to set up a framework for dialogue with

countries and stakeholders--that the Bank needs an entry point for discussion with countries, which will allow civil society to get more involved and to open up that space for participation and accountability--and for the Bank to support borrower capacity-building, moving forward. Now thank you for your patience.

I now come to the **gender** slide, and here, the reason why the gender external focus group meeting has not taken place is because we had planned a consultation process with the Gender Advisory Council, which is a high-level, multi-stakeholder group that has been pulled together by the World Bank in order to help us get advice on how to implement the WDR on Gender. So this is a group that is meeting today as we speak, and the group is being briefed on the process so far and being asked to come together next week on the 29th and the 30th--sorry, the week after--to have an online consultation, being posed questions similar to questions that have been posed to other groups. So, once we are done with the process, we will post the meeting summary. This is really not any kind of indication that the World Bank does not value gender and gender discussion in the safeguard context. On the contrary, the feeling internally was that so much work systematically has been done in this area, with action plans, for sectors and for regions, that we probably needed a slightly different engagement process on this area; hence, the idea to take advantage of the Gender Advisory Council coming together this week. And I would be happy to engage more on this issue.

Now I have been asked to talk a little bit about whether we are aware of the **cross-cutting issues** that cross-cut these different external focus group meeting discussions because the observation is that we have sort of established artificial barriers, seven barriers, and actually maybe that is not the way to have a proper conversation on these emerging areas. So, first of all, I just want to acknowledge that the seven groups were set up just for convenience, for us to have an entry point, for us to have some kind of a systematic conversation around these topics, and the intent really was not to exclude any kind of interaction between different groups. And I just really would like to say that we recognize the cross-cutting issues, and in fact, the feedback did come from the experts themselves. For example, the indigenous people said, front and center

and throughout the day, that: Land issues are extremely important to us, and so what you do in the land discussion affects us. Also, the land group was very clear: Hang on. You need to have indigenous peoples in the group; you need to have women in the group, because they are affected by land use. So, as you can imagine, climate change and human rights came up through the discussions in just about all the different meetings that we have had. So this is just to recognize that these cross-cutting issues are real. I also would like to mention new issues came up, not surprisingly. So, hang on. You said seven issues, but there are more you need to consider. So I want to acknowledge children's rights, and I want to acknowledge the submissions that you have made in this regard. Also, the issue of social conflict came up, and this is something that came up a lot in country consultations. The issue of LGBT also came up--the fact that they are discriminated in 76 countries and that we need to think about a way to address their particular needs.

Animal rights came up. So I just want to touch on some of these, and as we dig through the submissions that came through, I am sure there are more. What we will be doing is most likely we are going to get rid of these artificial seven barriers. Right? We are going to have to think about these issues very holistically. So, as we move forward, if these issues are incorporated into the integrated framework, we are going to have to think about how the topics relate to the rest of the framework and the rest of the safeguards.

This is just an acknowledgement that perhaps in phase two we are going to need a slightly different engagement process on these issues. So this is just to summarize. I am sorry I talk so much.

Comments are still welcome to the end of the month, and what that means is if you submit your comments by the end of the month they will take into account as part of the official records. This is not to say we cannot continue our conversation, our online conversation, et cetera, yes, but we just need some cutting point in order for us to sort out the comments. So that is going to be what is going to be happening at the end of the month, and I am going to be really looking for opportunities for deeper engagement in phase two.

And now I am going to ask Richard to cue in six people who are going to speak about what he or she heard in

the expert meetings. Thank you very much.

MR. BURRETT: Thank you, Motoko.

MR. BURRETT: The first person I would like to cue in is **Peter Bakvis, International Trade Union Confederation**, to talk on **labor**. Wherever you want to, Peter. The speakers have been asked to limit their comments to three minutes.

MR. BAKVIS: Okay, three minutes. Well, firstly, thank you for the presentation, Motoko, on the expert group meeting that took place in Jakarta in late March. It was a small group--10 people, about half of them from the Asia Pacific region, 3 from the International Labor Organization, 3 from different parts of the trade union movement, 1 health and safety expert from the construction sector, a Latin-American transport trade union official and myself. I am head of the Washington Office of the International Trade Union Confederation. There was also an employers' representative from a health and safety expert and three consultants--specialists in labor rights, including one from Pakistan and also Bahma Andreas [phonetic] who is based in Washington, D.C. and who is actually in the room with us today. And there were four World Bank officials. Now Motoko said there was no attempt to present anything as a consensus. I do believe there was a consensus, at least among the 10 people consulted, that the absence of a labor rights and occupational health and safety safeguard is a major gap and deficiency, and it does allow for continued violations of workers' rights and workers' health and safety without any recourse and that that should be corrected in the course of the current labor safeguard review. A second observation made with regard to that is there is a major inconsistency within the multilateral development banks. As was mentioned, IFC, since 2006, has had Performance Standard 2 which is based on international labor organization language for a good part and also covers some basic occupational health and safety matters, workers' rights to information, supply chain issues as well--labor issues in supply chains. So that is IFC PS2. Since 2010, the World Bank's procurement of construction work contracts also contain what we call the Core Labor Standards which are the fundamental

rights based on the Fundamental Rights Conventions of the ILO, the International Labor Organization.

The EBRD, since 2008, has had a very comprehensive labor standards provision called the Performance Requirement 2, which applies to public and private sector projects. And the African Development Bank, you may know, is in the process of adopting a labor safeguard as part of a new safeguard suite. I understand that the board is to take a decision and will very likely adopt that in May or June. So I think there was certainly a feeling that it is time for the World Bank to catch up in the area of labor rights, and occupational health and safety. Now just one, perhaps, correction or nuance to what was presented in the slide by Motoko, which I think covers certainly all the major issues that were discussed--there were positive references made to Performance Standard 2 in terms of what it covers in a labor safeguard. It was not a comment. And in fact, some negative comments came out, as well as positive, about the process of the monitoring and reporting, or self-reporting, procedure upon which PS2 and the other Performance Standards base. The recourse in case of noncompliance--where there have been difficulties, they have been difficulties of access to information as well. This was not a focus group on the Performance Standards, but I think it would be incorrect to say that this was a model that should be transferred from A to Z to become a new labor standard safeguard. But, certainly, the basic language and requirements and the fact it is based on ILO conventions--the participants highlighted that as certainly positive aspects. That said, there are other missing aspects that one can find in some of the other references I mentioned. For example, there are some very good requirements for HIV/AIDS prevention included in the standard bidding document for procurement of works that was adopted by the Bank in 2010 that one does not find in the IFC Performance Standards. Also, the Performance Standards are applicable to some private-public partnership infrastructure projects but not others, not services, and only since last year. So I think it is quite early to say that the application in any public sector project was appreciated. It is premature, and also the application will continue to be limited. Now some of the discussion that did take place that I did not see on the slide--I am just pointing out--and I am almost finished, Mr. Moderator--

MR. BURRETT: Thank you. Fortunately, I was not looking at the clock.

MR. BAKVIS: But some, I did not see on the slide. There was some discussion--do these standards apply to public sector? The question was actually made by the four Bank officials who attended. Do these standards--the ILO standards--apply to public sector as well as private sector? It was made quite clear by all of the experts consulted that, yes, the ILO standards do not make that distinction. There are some differences in the modalities of application, but the basic rights in the standards, expressed in them, there is no distinction made. So I think the group was quite careful to spell that out during the meeting.

And then very lastly, on the grievance procedures, in the slide, it talks about the necessity of both formal and informal. I think the way it was expressed was that there is a need for different stages of grievance procedures. You know, there can be an Inspection Panel process, for example, or some equivalent for major recurrent labor issues, but often labor issues come about through one worker being subjected to disciplinary measures because of wanting to exercise some rights. And the IFC has put in place a labor portal which is certainly perfectable, but we see it as sort of intermediate stage, if you like, that could inspire some kind of a complaints mechanism in an eventual labor safeguard. But it does have to adhere to some minimum conditions and requirements of transparency and follow-up. So I will end on that. Thank you very much.

MR. BURRETT: Thank you, Peter.

MR. BURRETT: Our second input is from **Mike Taylor of the International Land Coalition**, who I believe is going to be calling in. Mike, do we have you?

MR. TAYLOR: [Via telephone.] Yes. Can you hear me?

MR. BURRETT: Yes, I can. Go ahead.

MR. TAYLOR: Okay, yes. Thank you. Thank you for the chance to speak to you and a few reflections on the meeting. It was a one-day meeting. Some of us, I think, were quite skeptical at the beginning, whether we could adequately tackle something as complex as land in one day, but the meeting was very well facilitated. It

was quite a small group. There were about 10 of us. I think what struck all of us was the way in which in just a day of discussions we were able to converge on quite a clear set of recommendations. It was quite a diverse group. You know, often the [unclear] in these kinds of meetings you end up meeting with the same kind of people in different context, but this was a group that had not been together. We did not generally know more than half--each person did not know more than half of the participants. So it was new. It was diverse. There were people from quite different backgrounds, but we tended towards the same thinking in our discussions about the possibility of new safeguards on land. I would say firstly that we very strongly welcomed the consideration by the Bank to strengthen its safeguards on land. We thought that it was with the attention now that land issues are getting and with the increasing complexities and the increasing polarization in many contexts in competition over land. There is a strong need, and we welcomed the openness of the Bank to look at those. Firstly, I think a point that we made and was expressed very strongly is the fact that the safeguards are happening now and not a few years ago takes into account the very significant adoption of voluntary guidelines last year by the Committee on World Food Security and the Africa Land Policy Framework and Guidelines three years ago in that we now have, which we have not had before, a common set of agreed principles and guidelines for looking at questions of land tenure. What we stressed, though, is that these should not just be simply taken as a guide, that they should be a minimum standard which we thought the World Bank Group would be able to exceed and, in many cases, exceed significantly. Taking into account these are guidelines that were negotiated within the context of the Committee on World Food Security that involved a very wide, diverse array of stakeholders and involved Bank-funded projects, they would often be in a position to actually go a fair bit higher than these. So that was, I think, the first point that we stressed strongly. Now I mentioned this convergence in our discussion arose, and I would like to pick out some of the issues that we converged around. They do blur the line a little bit between exact safeguards per se and wider policy. None of us were real specialists or had worked with the World Bank on safeguards. So we were coming more

from a question of, how could the World Bank address land issues better in the context of the safeguards review, but I think in many cases maybe our comments stretched over the line a bit and into policy-related arenas. So we liked very much in the discussion paper that was put out--the issues paper that was filed beforehand--the idea that the World Bank was open to go beyond the previous idea of do no harm and actually doing good and looking for opportunities. We think this is extremely significant in the land sector where land tenure issues are fundamental to determining the opportunities that people have. And not only is there scope for avoiding doing harm, but there really is scope for real meaningful development outcomes to be achieved if they are approached in the right way.

So, launching a bit from that kind of approach, there were several other areas that we emphasized.

In a sense, I would say, shifting approach a little bit, we spoke at a fairly general, normative, directional level.

The first thing that we emphasized there was moving away from an idea of safeguards based primarily on procedures and prescriptions and, rather, taking a more normative approach and stating at the principle level what should guide decisions and what kind of concrete outcomes should be achieved by World Bank projects that touch upon land issues and allowing flexibility in reaching those concrete outcomes based on the context, so avoiding the trap of falling into sort of a blueprint approach. Another issue that was mentioned was moving away a bit from the general focus on trying to achieve the well-being of all stakeholders with recognizing that land issues are fundamental often to the poorest members of society and to those that are most vulnerable to falling into absolute poverty and often marginalized in decision-making processes. So I think a very explicit focus on meeting the needs of those populations, particularly indigenous people, particularly women, particularly land-less, particularly farm workers and small farmers. Moving away from a focus on individual rights--Motoko mentioned this in her slide--towards a more landscape and territorial level, spanning [unclear], looking at [unclear] relations and relations between people and their land on a wider scale, so even questions of approaching how to secure tenure rights, moving away from an individual basis. There are other issues, and

they are in the reports, and you can read the reports. But I think what we would like to emphasize, in summary, is the idea that we saw--as this expert group that existed only for one day--huge opportunity if the World Bank were willing to look at the land safeguards as a way, as a pathway for reorienting how it addresses land issues in its projects. Now, as I said at the beginning, I know that this maybe blurs the line a little bit between what is a safeguard and what might be policy guiding World Bank projects. And so my last thought is not something that came up in the meeting, but it is a result of reflection since that meeting and a chance to discuss with other people. It would be pity if some of these ideas that came up--and I am sure will continue to come up as far as land safeguards go--get lost because they stay in a discussion only about safeguards. It might be worth the while to take those ideas and for the World Bank to think through, for example, in the 10 years that have passed since they adopted the land policy, is it worth taking some of these inputs that have been received and using them to reconsider, for example, is there a need for a new land policy? My guess is that some of the inputs that have been received may not, in the end, actually be applicable to the quite specific stuff that you need for the land safeguards, and it would be a pity to lose that.

Thank you. That is all for me.

MR. BURRETT: Thank you, Mike. I am conscious that we are about to lose the simultaneous interpreting facility, I believe. We still have a few more inputs. Now on the issue of **FPIC, free prior and informed consent--**
Leo Crippa of the Indian Resources Center.

MR. CRIPPA: Okay. Thank you for the opportunity to speak with you about what we discussed in Manila. Just to mention that it was a very interesting meeting and key experts were invited, including the U.N. Special Rapporteur for Indigenous Peoples, one representative of the ILO, especially working on the Rule 169 program--a program to help countries implement the ILO Convention 169--a representative of the IFC who worked in the review of the Performance Standards, especially Performance Standard 7 for indigenous peoples. And there were representatives from Asia, like the Asia Indigenous Peoples Pact, the Deepti

Foundation and others, and the Indian Law Resource Center. Around 10 to 12 experts were there.

I want to say a couple of things very briefly in these three minutes of opportunity to speak with you.

One is that it was clear from those who were at the meeting that one of the recommendations for the Bank was to maintain a distinct safeguard policy for indigenous peoples, and I am glad to hear that coming out also from the multi-stakeholder meetings. There was also a unified call for the Bank to update the relevant safeguard policies in light of the U.N. Declaration on the Rights of Indigenous Peoples, especially the Indigenous Peoples Policy and the Involuntary Resettlement Policy. For those of you who are not familiar with the U.N. Declaration, it is a statement on the rights of indigenous peoples made up by the U.N. General Assembly, which has now the consensus of all the U.N. member countries, including those that voted against or abstained when the U.N. Declaration was adopted in 2007. With regard to FPIC, I agree with what has been said with regard to connect FPIC with substantive and procedural rights that are connected to FPIC. In terms of substantive rights, there was a clear acknowledgment of the need of linking that to collective ownership rights to land and natural resources. And I am very happy to hear something similar coming also from the expert group meeting on land. The other right is the right of self-government. This right is recognized and upheld by the U.N. community with regard to the rights of indigenous peoples as a distinct people in nation states. And, the right to development. We are aware that the U.N. has been developing a Working Group on the Right to Development. The U.N. Declaration embraces the right to development for indigenous peoples, and it is connected with the previous two rights--collective ownership over land and natural resources, and self-government. The fourth substantive right that was discussed is benefit-sharing, and it connects with the need of making states' proposed development projects be sensitive to the needs of [unclear] in poverty of indigenous communities on the ground. In terms of procedural rights, the issue of due process of law was also brought to the attention of the safeguard team because we believe there is almost in every single country a due process of law consideration for every single administrative procedure where rights are going to be

determined. And we believe this is important when for development purposes the rights of indigenous communities are going to be addressed. Something else that was mentioned is the issue of the Indigenous Peoples' Plans as a key opportunity to take into account indigenous peoples' own development priorities. And there was a discussion about the environmental assessment processes, both at the country and the Bank levels, because we believe this should assess both the positive and the negative impacts that a certain project may have on indigenous peoples. And I want to conclude by saying that everything that was discussed in Manila, the Philippines, about rights--specific rights issues connected to FPIC--has at some point been already discussed in Cancun. When the UNFCCC came up with these 2010 Cancun Agreements, countries agreed to respect the traditional knowledge and the right of indigenous peoples. And we are aware that currently the Bank's FCPF is discussing the methodological framework. So we are happy to have that discussion and that this is going to influence also the discussion taking place in that other Bank unit. I think that summarizes my comments. Thank you.

MR. BURRETT: Thank you, Leo.

MR. BURRETT: Moving on to feedback from the disability group, I would like to ask **Mohammed Ali Loutfy of the Lebanese Physical Handicapped Union** to address you. I have to also apologize on behalf of Dinah Shelton. She was going to speak to us later on human rights, but unfortunately, she is unable to because of a conflict.

MR. LOUTFY: Are you hearing me?

MR. BURRETT: Yes, we can.

MR. LOUTFY: All right. Well, thank you very much for giving me the opportunity to give my personal view about the expert meeting on disability. First of all, the meeting was a good opportunity for many experts from all over the world to talk about how and why disability must be integrated into the safeguards.

The meeting started a bit slow because lots of people found it to be a great, or a significant, momentum to iterate why it is important to integrate disability, considering the so much harm that persons with disabilities

have suffered from because of the exclusion they encountered via development projects.

However, the meeting, in the second phase of the discussions, picked up with a very interesting and fruitful conversation about how to make sure that disability is integrated into the safeguards.

And we really appreciate the welcoming and attentive efforts by World Bank representatives at the meeting who were really keen to understand our point of view on how to integrate disability and how to make it implementable because this is one of the main concerns I am sure the Bank has--how to make these safeguards feasible and doable.

The four outcomes I consider to be very important as a result of this meeting:

One, the environment, or the atmosphere, of the meeting that the World Bank people showed to be welcoming for any suggestion about how to make disability mainstreamed in the safeguard as possible.

The second thing is that there was a general consensus. I would like to emphasize that there was a general consensus by all of the participants from the experts side--I assure that this happened because we met afterwards to follow up and to share our own feedback after the meeting--that the concern is when we hear some sort of questions or debate about what sort of integration the Bank should pursue for disability into its policies and into its safeguards because there was the debate whether the disability issue must be addressed through a separate assessment process as well as a separate policy--overarching policy--by the Bank.

There is no doubt that having a disability policy by the Bank is very important, and this would help the Bank revive its role as one of the leading multilateral donors in the field of inclusive development as it used to be a few years ago. However, saying that does not mean that we do not want to see disability into the safeguards. And the way how we want to see it is the disability component must be addressed through a very strong and mainstreamed language. We are not here to ask for a standalone policy because this would help us avoid any excuses that disability might not fit here or there because it is not addressed in environmental assessment or in a land tenure component or labor or gender or children's rights. We want to see disability mainstreamed in

everything. This is why I would like to also emphasize and correct one of the things that Motoko said in her excellent presentation about the expert meeting on disability. Disability is a cross-cutting issue. There are persons with disabilities in the indigenous groups. There are persons with disabilities suffering from harms caused through resettlement problems, et cetera. So we want to see that as a cross-cutting issue, and this is why we are emphasizing the need and necessitating the need that disability must be addressed through a mainstream language. With the presentation that Motoko also gave, there was an excellent notation about the Convention on the Rights of Persons with Disabilities, and I think this is a leveraging mechanism that the Bank should use, whether it is going to pursue a country system approach or strong, binding safeguards toward borrowing countries. We see that this is a key point, or a key mechanism, that the Bank should use to push for, rather, disability-sensitive policies and standards by governments, whether the Bank is going to have strong safeguards with disability mainstreaming language or whether it is going to pursue a country system approach. This could be addressed, or followed up, with emphasizing certain targets and directives that we are willing as a sector, as experts from the disability sectors, to work with the Bank closely on--identifying these directives, targets, objectives and mechanisms--to making sure that a standard on disability mainstreaming is pursued, whether through the safeguards or the country system approach. One thing I would like to address is concerns: The first concern is this kind of debate that somehow causes a conflict, whether the Bank should pursue a human rights language or inclusive development language. For us as sector representatives, and for myself, we do not see that these are separable issues. Human rights are important. Inclusive development is very important. And both of them are necessary for seeing a strong, mainstreamed language on disability through the safeguards. And the second concern we have is the Bank people at the meeting made sure that we understand that safeguards do not cover certain lending mechanisms, particularly DPLs and P-for-Rs, as well as the issue of procurement.

Now I think we are experiencing, or we are going through, an historical momentum that the Bank is reviewing

its safeguards. And we should see a safeguard that would tackle problems caused by harms resulted from development policy lending processes and programs-for-results processes because especially in the DPL level, when we see policies being developed without addressing issues of social inclusion for marginalized groups, particularly persons with disabilities, for us, this is a very alarming and concerning issue. This is why we are asking that safeguards must be covering these points.

The last point I want to make in my presentation is that we know that it is not an easy thing to do. We know that the Bank needs to improve its capacity on providing the technical support to borrowing countries on issues of disability mainstreaming. There are lots of ways to do that. We addressed that in the meeting, and we emphasized that several times--that the sector of the disability movements is willing to offer any help based on our expertise because we can do that. And we see that the Bank should be more flexible because we are not willing any more to hear this phrase: We cannot do it. We do not have the capacity.

It is very necessary to reach out to trust funds. It is very necessary to also reach to other multilateral donors and particularly to DPOs, Disabled Peoples' Organizations, who have the expertise to offer, to help the Bank provide the required technical support for projects funded by the Bank in order to cause no harm for persons with disabilities. And we would like to also see a structural reform within the Bank which would help the implementation of a safeguard by seeing a disability focal point in each sector because we do not want to see disability limited only to the structural level, to the Social Protection Department. We want to see disability as a sectoral issue, included, and with having a focal point of already available personnel at the Bank in each sector. This would make me conclude that based on studies done by the Bank itself there is an opportunity today to implement universal standards on accessibility and inclusion, not only under social protection issues but in all sectors targeted by the Bank--education, health care, transportation, water, sanitation, gender, climate change, et cetera. And the last point I would like to make here is that--okay. The last point I would like to make is that there is a tremendous need to maintain this communication with the disability movement

because there is a lot of work that we can do together. We are not here to accuse the Bank of lacking any capacity or not doing its job. We want to see the Bank reviving its role as a leading organization in the field of inclusive development. Thank you very much.

MR. BURRETT: Thank you.

MR. BURRETT: And last, but not least, comments on climate change from **David McCauley of WWF.**

My apologies that this is overrunning, but I mean, the richness of the feedback I am sure will persuade you to stay for a few more minutes.

MR. MCCAULEY: Thanks. I am conscious of the time. So I will try to be quick. I am with WWF, but in the interest of transparency, up until the end of last year I was head of climate change programs at the Asian Development Bank. So I have some perspectives on this that cross into several areas. I will not really comment on Motoko's characterization of the meeting. I do not take any issue with it, necessarily. It did touch on the point that we were very much looking at some of the fundamentals of what are safeguards expected to do, and in this case with respect to climate change, and that is expressing some frustrations with the timing. You know that in theory, of course, you have this safeguards mechanism early enough in the project design process to be able to effect the location and the design and take into consideration a wide range of alternatives. And that would apply to climate change considerations as well. In practice, we know that that is not always the case. So we were encouraging on a more fundamental level that the Safeguards Review and Update see if it cannot institute some sort of measures for better practices of safeguards more generally and not just with respect to climate change. There was a robust discussion covering both climate change mitigation and adaptation. It did not really go that much into forest and land and agriculture although that is an important topic. Fortunately, there was some consideration in the land group, but hopefully, the forests and habitats discussions will have covered that. Again, we had a group of experts drawn from various environmental and climate change organizations as well as from the country level--Brazil, Jordan, Mexico and

others. In fact, the slide was up there, but it has disappeared. That was the group that was up there. There was a general discussion of IFC performance standards and how applicable they might be. And I think it was noted that while they may have their virtues with respect to private sector, there are a lot of other considerations that need to be built in on the public sector side, including with respect to how they deal with climate change. On mitigation, briefly, we reviewed the current policies as they are applied, not just with World Bank but with some of the other multilateral development banks. And again, there was some concern that there is not enough opportunity to use the safeguards to consider alternatives, particularly for projects that result in net greenhouse gas emissions, and to look for ways of altering the project design to choose other technologies or other means for achieving the goals of the project that will not result in greenhouse gas emissions or better ways of mitigating those emissions that may occur. On the adaptation side, it was a much wider discussion because, as has been noted, we have this distinction between doing no harm versus proactively wanting to do good through this project design process. And in the case of adaptation, although there is sort of a do-no-harm aspect, where you want to make sure a project does not reduce a target community's resilience to future climate change--that is more on the do-no-harm side--mostly what we were talking about on adaptation was not looking at the impact of the project on the environment, or on social, but rather looking at the impact of the environment on the project, which is a fundamental distinction from the way safeguards have been cast in the past. We looked at what is happening with some of the other MDBs--multilateral development banks--that are experimenting with various checklists and climate change risk screening tools. And I think that a more general comment that came out of the meeting was that there needs to be a more active discussion amongst the MDBs on this. Chad, earlier, mentioned, couldn't we somehow harmonize the safeguards across all the MDBs? That would be a laudatory goal. But maybe on climate change, since this is such an important emerging topic, at least in that area, some progress could be made during the next 18 months or so forth of this process. And we had presentations from World Bank staff who

were there on the climate change programs of World Bank, but my own personal view is there is not that active an engagement between the climate change community and the safeguards community. People like Charles di Leva have a foot in both camps. Not to give you more work to do, Charles, but I think you could serve a useful role in this, in helping bridge between those communities as this goes forward.

The last main point I wanted to make had to do with the links to other processes on climate change that are out there, particularly under the UNFCCC process, the Climate Change Convention, but also the way that countries are trying now to incorporate climate change considerations into their national development planning. There is not really too much consideration at the country systems level of climate change in safeguards, apart from, say, climate change mitigation. But there is certainly a lot of discussion about how to plan for a low-carbon or a low-emissions development or a climate-resilient development at the country level. The World Bank's new President certainly has indicated that this is a key intergenerational equity concern and something that he, at least, would like to see the Bank doing more on. If you are going to do that, though, you have to link up. You know, in the interest of it being country-driven, you need link up with these planning processes. That is where this issue of the Safeguard Review and Update focusing entirely on project-level investments becomes a bit problematic because most of the planning with respect to climate change is being done at the broader program level, sector level and so forth. And looking ahead to the Green Climate Fund, it will almost certainly take that approach too, not project by project but broader programmatically.

So, if you exclude that from the way the safeguards are constructed as you go forward, I think you are doing yourself a disfavor and certainly not really reaching the aspirations that you seek with respect to this update.

That is all for now. Thanks very much.

MR. BURRETT: Thank you.

MR. BURRETT: Well, I am clearly doing a D-minus on time keeping at present. But before Paul Bermingham makes his wrap-up comments, I know you have until the end of the month to make comments on any of these

areas online, but if anybody has any comments they wish to raise now, please use the microphones as before.

Yes, and if you could give your name and affiliation.

QUESTION: Thank you very much for the session. It is excellent to be here and hear all the feedback.

My name is **Dominic Renfrey**. I am from the **International Network for Economic, Social and Cultural Rights**, ESCR-Net. It is encouraging to hear the conversation now on principles of human rights we heard, with the potential input of the Convention on the Rights of Persons with Disabilities potentially into Bank operational procedures, borrowing from this human rights concept of progressive realization, which is a concept borrowed from the Committee on Economic, Social and Cultural Rights, drawing on the Covenant of Economic, Social and Cultural Rights itself. Just not to miss out that progressive realization is always to be twinned with the notion of minimum core--progressive realization should always be understood in that light. Similarly, the notion of interdependence and indivisibility of human rights, which I think we are hearing in many different ways here today--that issues related to land, indigenous peoples, disabled peoples and children and many other categories that you mentioned, Motoko, do relate to each other innately and always will. And borrowing also from the concept of interdependence and indivisibility could also be useful in that. There is a lot of thinking on normative and substantive development that has gone into those principles, and I encourage you to look there. This relates to a broader call that is coming constantly at you from the world really and civil society but representing people, to understand what it means to integrate human rights as a broad principle with the various categories of rights underneath that. And I just draw your attention to the call today that came from Oxfam, CIVICUS, Human Rights Watch, ourselves, CL [phonetic], BIC, Inclusive Development International, International Accountability Project and Bretton Woods Project, representing well over a million people in its constituencies, that the Bank actually commit to an understanding of not contributing in any way to activities that violate human rights, and as part of that process, assessing with these principles--human rights principles--assessing potential impacts on human rights, and fully understanding that effective remedy is a central

element of the realization of human rights. Thank you very much.

MR. BURRETT: Thank you. And the next comments, please.

QUESTION: My name is **Raquel Rolnik**. I am the **U.N. Special Rapporteur on the Right to Adequate Housing**. Just, I will have a better opportunity to develop much more this big issue of human rights and safeguards and Bank policy in a couple of minutes in the main building, which I invite you all. But I did not want not to intervene in this session, just to raise two very quick questions. One is on land. I welcome the fact that land is becoming an issue and will be integrated into the safeguards, into the Bank concerns as a whole. But I would like to raise the issue that the voluntary principles and guidelines on land is an achievement, and it is very important. It is focused only on rural land. There is one paragraph on urban and informal settlements. And the land tenure issue in urban is a big issue, and it is a big topic and has a huge relationship with climate change and with other topics that were raised here. So I think that we need much more than the voluntary guidelines as a minimum standard, and we need to get deeper into the issue of security of tenure. And just one very small remark--as a rapporteur, I submitted officially a submission to the revision, but I could not find it on the web site. So I do not know if it is coming or not or what happened. Thank you very much.

MR. BURRETT: Thank you. And a final comment for the moment, yes.

QUESTION: Anne Perrault

MS. AIZAWA: Sorry, just on the rapporteur's submission--so, Raquel, you gave us a report on World Bank generally, and I had understood that you were going to give us a separate submission on the safeguards.

MS. ROLNIK: I sent it.

MS. AIZAWA: Okay. So then I will check it because I was not aware.

MS. ROLNIK: Two different things.

MS. AIZAWA: Okay. Thank you very much.

MS. ROLNIK: Okay.

MS. AIZAWA: Just to clarify.

MS. ROLNIK: The part to the council in March was one thing. Then official submission to the safeguards revision was a different document, officially presented.

MS. AIZAWA: Okay. We will make sure that it is posted. Thank you.

MS. ROLNIK: Thank you.

QUESTION: Hi. **Anne Perrault.** We are here talking about how important land rights are, and human rights and biodiversity protection, and we are doing it because we all acknowledge that countries have not been doing it.

They have not been recognizing the rights of local communities to their resources. The protection for biodiversity has not existed. That is why we are here. We all acknowledge that. At the same time we are talking about this and realizing this, we have other parts of the Bank saying we can rely on a country through its programs to deal with these issues; we do not need to apply these safeguards to money going through a program--a program for results. There is a fundamental inconsistency here that does not work. These safeguards need to apply to activities funded through programs, funded through country systems. It is being done--the principles and objectives--through the country systems approach, and it is not through P-for-R. In a year and a half, when the cap is removed from P-for-R and the safeguards are not applied, it will be a problem. The safeguards must be applied now through P-for-R. That is one point I would like to make. The other is taking this IFC approach to biodiversity offsets what we have seen as an extraordinary boom and a move in mining activities in critical habitats since the IFC has allowed biodiversity offsets through PS6. It has been extraordinarily bad. And so I urge the Bank, through the Safeguard Review, to pay attention to that aspect of PS6. Thank you.

MR. BURRETT: Okay. Thank you. Motoko, do you have any immediate feedback on that?

And then I am going to ask Paul next to talk about phase two, and then we will take the final three questions

because I know you have to go to another meeting, Paul. Motoko, do you have any immediate comments on this?

MS. AIZAWA: No.

MR. BURRETT: No. You will wrap up at the end.

Paul, do you want to make your remarks now, and then we will come to you for your final comments?

MR. BERMINGHAM: Thank you. My apologies; I do have to go. It is a rather busy weekend for us.

I just want to say thank you to everybody for all the comments that have come through, not just today but in the emerging focus area meetings that have come through. And I just want to share a few words with you about where we are going to go from here. Many of you are asking questions--what is going to happen, exactly when, and so on. I think our overall impression of what has happened in the last six months and what is going on more generally in the Bank is there is a lot on the table right now. We have got a lot more out of this than we anticipated. It is one of the reasons why the original date for finishing phase one consultations in the middle of February was not adequate. We have pushed it to the end of April. But, to be honest, it does not end at the end of April either. This is not at the end of any process here. This is just an engagement point to take stock of how the consultation process has gone today, and we see it continuing. Secondly, we have seen new areas come up in addition to the seven emerging areas that we had listed in the approach paper. Other areas have come on, as Motoko has listed here, and there may be more in the future. And we are not here to say that this cannot happen. We will be ready to talk to any group that wants to talk to us about this. And, with indigenous peoples, we have put in place a separate process, and Motoko has described and Stephen has described the process by which that is going to go forward. That may happen in other areas as well here. So I just want to say we will make sure that we put in place processes to hear views from additional groups on additional issues throughout this process as it goes forward. In addition to that, as Kyle said in his remarks at the beginning, we are putting in place a new corporate strategy as a World Bank Group. We have not had one

for about 15 years. It is our first time doing that.

The vision paper which underpins and on which the strategy will be built is being discussed by the Development Committee this weekend. It is putting environmental and social sustainability, for the first time that I can recall in our history--and I have been around for two decades of it--environmental and social sustainability at the center of everything that we do. Now you can argue about how well we are doing that and how serious we are about that, but it is now there. And we will be building on that more in the development and articulation of the strategy to be discussed at the time of the Annual Meetings. How will we work on safeguards be strengthened by that? How will it contribute to that? That is a question that we are now asking ourselves, a question we could not have asked six months ago, before this process got underway. And I think it is a tremendous opportunity. I think we are moving. I think it is part of moving from doing no harm to doing good. When we put an agenda like that at the center of our corporate strategy, I think it gives us an opportunity to go beyond what we have been trying to do in safeguards in a very, very positive way but in a way that poses lots of questions about: How serious are we about this? How will we invest in this? How will we make this happen here? But it is something we are going to take a little bit of time to reflect on as the strategy evolves. Kyle also mentioned about the change initiative that the President has announced. He has appointed this year a Vice President to look after changes. What he wants to do is see, firstly, how are we going to achieve these goals that have been set out on eradication of poverty and shared prosperity in particular for the lowest 40 percent, but more importantly, how are we going to shift towards delivering solutions, getting concrete results, managing the associated risks in a better way than we have been doing up until now? So there is a whole process going on in that area that we need to ensure that the Safeguards Review is aligned with as well, and we are doing that. So that puts on the table, when can we come forward with what we are going to propose? Well, there are more issues on the table from this consultation process but also from internal changes that we now need to put together. I suspect it is going to take us more time than we had

anticipated. And where we have got a tradeoff between doing it quickly or doing it properly, I think we are going to err on doing it properly, if I can use the word "err" in that context. I think we will explain to our Board what we have heard--what we have heard today as well as in these consultations processes in July of this year. And we will then, sometime later this year, come back with our response to that, at least at a high level, on how does that link to the emerging corporate strategy and the changes that are going on. And we will have lots of opportunities for consultations with you and your groups that we have met with so far as we do it. So let me just say thank you all again. I am sorry I will not be able to stay much longer. I do need to leave now. But I am looking forward to hearing how the rest of the discussion goes today. Thank you.

MR. BURRETT: Thank you, Paul.

MR. BURRETT: Thank you.

QUESTION: Thanks

MR. BURRETT: Thank you for your patience, the final three, and if you could come forward with your comments. And then I will ask the team whether they have any sort of thoughts or conclusions. Thank you.

QUESTION: Thanks so much. **Jessica Evans from Human Rights Watch.** It is a real shame that Dinah could not be here today to report back on the expert group discussion, and I hope that we can reschedule that in the same way, with a public meeting, in the future. I sent a quick snapshot of the slide to my colleague who was in the expert group, and he asked me just to share a couple of reflections and concerns about that, or perhaps missing points here. The first was on the mandate question. He said that there was broad consensus from the experts that human rights are actually a key component of any development mandate and that that is the reason that human rights should be embraced by the World Bank. With respect to the point that there were a range of opinions regarding what human rights are, he said that that was actually very strongly countered by the experts on the panel and that they were very clear that human rights are legal obligations as contained in the core human rights--or international human rights--treaties. And he said in that context that he shared the

numbers on each of the human rights treaties as well, that similar to the U.N. Convention on the Rights of Persons with Disabilities and that more than 90 percent of the member countries of the World Bank have ratified 4 or more of those core human rights treaties. Finally, he asked me to mention that the experts did not just emphasize the principles of human rights but the substantive content of human rights, and that there was a broad consensus that the Bank should respect, protect and fulfill human rights and realize this through human rights due diligence, which includes human rights impact assessments. Thank you.

MR. BURRETT: Okay. Thank you, Jessica. And the next comment?

QUESTION: Hi. I am **Steve Herz with Sierra Club**, and I just had a clarification question and then a comment on the climate change slide. So quickly, the clarification question is on the point about the importance of doing greenhouse gas and short-lived climate forcer accounting, but let's not go overboard. So I guess I have a hard time understanding what it would mean to go overboard in that context. I mean, let's remember what the purpose of the accounting would be. It would be two-fold in my mind. First, it would be to give the Bank a better understanding of what the low emissions opportunities actually are and to do a better alternative assessment of a proposed project versus perhaps low-emissions alternatives. So I am wondering, you know, what you see as the limits of that kind of understanding in terms of informing project selection. So then my comment is on one of the other points that struck me, which is about this question that I understand was in the forefront of a lot of people's minds in the expert consultation, around who will pay the additional costs of mitigation. It concerns me that this discussion may be framed by an outmoded understanding of what the incremental costs actually are. So, if you look at, for example, what is happening in the energy sector, we have seen renewable energy costs falling dramatically. We have seen thermal energy costs, particularly coal, rising equally dramatically. We have seen a better understanding of what the externalized costs of thermal power are, particularly the health costs and the environmental costs around coal. And we have seen a much greater appreciation for the benefits of alternatives, particularly around end use efficiency and how they can deliver

development benefits and climate benefits faster, quicker, cheaper and cleaner. And so I guess where that takes me is that I think it is the wrong question to ask--who will pay the incremental costs of mitigation? The right question would be, in my mind, who would pay the incremental costs of thermal power over end use efficiency? If you start with that question, I think you begin to look at projects in the energy sector dramatically differently. The final point is as you look at these economics, as in the common vision statement that was under discussion today, the Bank is going to, I understand, refocus on the poorest. And if you look at energy access for the poorest, the economics are even clearer about the benefits for renewable energy versus on-grid thermal solutions because the costs of extending the grid to people who do not have access right now are so prohibitive. So, thank you.

MR. BURRETT: Thank you. And, last but not least.

QUESTION: Titi Soentoro from Indonesia.

At the beginning, Motoko, you explained the EFG statement by the Bank, who will be there, and then it is looking for balance from different sectors or groups. My question is gender is a cross-cutting issue, but EFG does not have a gender expert or did not include the women's group representations. And then the second point is it is unfortunate that in this meeting we do not hear any feedback from the gender working groups on what is the issue raised. In the whole discussions, the gender issue does not have the same treatment, I think, in this process, and I hope that in the next it will be not be repeated again. And the other thing is related to the climate change slide. You know, I hope that the issue of climate change also includes the climate financing stuff because we know there is a lot of money pledged or committed for this issue. Like the CCF, for example, there is a lot of money there. Indonesia has just approved--the CCF just approved two big projects for Indonesia for a city and FIP. If you look at it here, it is heavy on economic assessment and GSG accounting. But where is the safeguard? Where is the environmental assessment of the whole climate issue? It should be also considered because we know the environmental impacts of the whole climate financing to countries like

Indonesia, with a lot of forest, will be destroyed but not recovered because of those. Then it is the impact.

So it means even at the beginning stages, at the formulations of the policy and plans, environmental considerations and the impact to people should also be considered. I think I hope that the EFG groups can also look at other issues instead of only about economic issues and about the GSG accounting. Thanks.

MR. BURRETT: Thank you very much. Is there another comment at the back?

QUESTION: Yes, it is not a comment. It is just a single tiny question.

MR. BURRETT: If you could come to the microphone.

QUESTION: Okay. My name is **Joseph Andargie**. I am from SIT Graduate Institute. My question is regarding the process of consultation. While you are making consultations, have you incorporated the role of diaspora communities, specifically for their contribution on environmental change? That is all.

MR. BURRETT: Okay. Thank you, everybody, for your patience in staying on and your comments and feedback. I am going to ask the World Bank team now to give their final comments in response.

Motoko, do you want to start?

MS. AIZAWA: Yes, just on Steve's question about GSG and do not go overboard, I am wondering, Jane, if you would like to just say two sentences about that. Would you like to? So **Jane Ebinger** is the Manager of Climate Policy in SDN [Social Development Network], but, please.

MS. EBINGER: Hello. We were having a discussion in the expert group about how you improve the consideration of mitigation options. And like Motoko talked about, I think the discussion was about the importance of going very upstream, so having the broad perspective from a strategic consideration of where you might want to support development goals and shared prosperity but also ensure climate is taken into account. In terms of do not go overboard, there was a big discussion also about the challenges of actually doing greenhouse gas accounting, doing environmental assessment, and the fact that you should try and strike a balance between something that is robust, transparent, credible and understanding what your footprint

might look like and where you might go, and going into something that is a very gold-plated process, that is very costly, difficult to implement, challenging in terms of data needs. And so it was really a discussion about how you might do it which the comment referred to as do not go too much overboard.

MS. AIZAWA: Thank you very much. So the gentleman's question about the environmental--I wonder if you could--I did not quite understand what you were asking for. So would you mind just clarifying for me?

QUESTION: So you need more information about my question?

MR. BURRETT: Was it the impact of diasporas on climate change?

QUESTION: On climate.

MR. BURRETT: Could you be more precise then on what exactly you are driving at?

QUESTION: During your consultation process, you incorporated different stakeholders to consult about these safeguards. So, during that time, have you included diaspora communities to say something, to get their main roles in climate change? That is my question. Now it is clear?

MS. AIZAWA: I see. Thank you very much.

QUESTION: You are welcome.

MS. AIZAWA: So, we have not. The expert was a very small attempt to reach international experts. Once we put in place the integrated framework with specific components, we will take it out to consult appropriate communities, as relevant. Yes? So perhaps we have a conversation afterwards about how that might take place, but in this phase we have not done that. Thank you.

So, in a way, it is funny for me to make a concluding remark when Paul Bermingham has already made a concluding remark. So I just want to, first of all, thank you, for the experts who came forward and shared their perspectives from the various meetings. I can see that there have already been a lot of conversations post the expert group meetings. I sense some of that in the remarks, and I think that is a very good thing.

I also want to acknowledge that there are multiple cross-cutting issues, and I am sorry that the examples that I

gave are just examples. So disability is a cross-cutting issue. Gender is a cross-cutting issue. It is acknowledged. And that is why I am saying in a way this conversation that we organized was a little artificial in having to erect barriers, but I think the conversations themselves reinforced the fact that we need to take into account the cross-cutting issues. As we think about the integrated framework and how we deal with various issues, we need to take these points on. So thank you very much. You know, we just have a lot of comments to weigh internally--sift through, weigh, understand and to categorize them and to make sense of those comments to our management. It is a little bit like going to a smorgasbord and just eating more than your fair share. That is how I feel. I have heard a lot. I feel very much stuffed. And what I need to make sure--

MS. AIZAWA: I guess I am saying this because I am hungry.

MS. AIZAWA: You know, what I need to make sure is that we do not get into a state of indigestion but that this is well digested and actually nourishes different parts of the Bank's conversation. So, as Paul mentioned already, we appreciate your patience as we do that. But I also wanted to say this is not that we are going to stop talking to you or we are going to stop having conversations after April the 30th. On the contrary, I hope we can continue to have conversations and informal meetings because the thing does not just come to an end or fall off a cliff all of a sudden. This is a process, and it is a longer process, and so it is really important for us to stay in touch. So, with your patience, hopefully, we can remain in touch. I guess on behalf of everybody, just thank you for your patience, sitting through this very dynamic and long conversation, lasting almost until 1:00. And I am cognizant that there are other sessions going on this afternoon. So, thank you, and we will see you again soon.

MR. BURRETT: Thank you.

[Whereupon, at 12:57 p.m., the meeting concluded.]