Meetings on Indigenous Peoples and the Safeguards Review
Washington, DC
July 22-24, 2013

Introduction

On July 22-24, 2013, the Bank Information Center hosted indigenous peoples (IP) advocate Vicky Tauli-Corpuz for high-level meetings with staff from the US House of Representatives Tom Lantos Human Rights Commission, the US Department of Treasury, the World Bank safeguards consultation team, and several World Bank Executive Director’s offices (namely the US, four EU offices, New Zealand, Malaysia, and the Philippines) in Washington, DC. Vicky is the Executive Director of Tebtebba, an indigenous peoples’ institution based in the Philippines, and the former Chair of the UN Permanent Forum on Indigenous Issues (2005-2009), and her institution has been actively involved in the World Bank’s ongoing safeguard policy review process.

During her meetings in DC, Vicky used the indigenous peoples rights perspective as the entry point for broader discussions on the planned structure and scope of the new safeguard policies, focusing primarily on the demand to (i) maintain a stand-alone policy on indigenous peoples within the safeguards or at the very least keep IPs separate from other vulnerable and marginalized groups; (ii) ensure that the rights of indigenous peoples such as Free Prior and Informed Consent (FPIC) are not watered down in the new policies; (iii) broaden the scope of the safeguards review to cover Development Policy Loans (DPLs) and other lending instruments as they relate to indigenous peoples, especially in regards to natural resource management; and (iv) include indigenous peoples more actively in Bank processes, especially in accountability mechanisms and monitoring and evaluation activities.

During Vicky’s visit to Washington, the Safeguards Review team gave a technical briefing to the World Bank Board of Directors that covered the results of the consultations held during Phase I of the review process as well as the skeleton of the proposed integrated safeguards framework. During the meeting with the safeguards team, which occurred the day after the technical briefing, Bank staff explained how the proposed skeleton would allow safeguard principles to be incorporated at the strategic, project, and knowledge and capacity building level. They envision a single sustainability policy to replace all the current Operational Policies, but that would not preclude them from having separate chapters within that policy on indigenous peoples. They also stated their intention to keep indigenous peoples separate from other vulnerable groups. What remains unclear is the Bank’s responsibility under the Risk Management Procedures and how the World Bank’s corporate change strategy will impact the safeguards review.

The Executive Directors (EDs) that Vicky met with were generally positive about the direction of the safeguards review in expanding away from a strict project-only focus, though most of them acknowledged that the devil will be in the details in terms of content and implementation. Most of them were positive about incorporating the emerging issues (such as disability, child rights, climate change, and land tenure) into the new safeguards and the Bank’s operations more broadly, though whether these issues will result in stand-alone policies or chapters is still unclear. They were also open to the lessons learned during the Asian Development Bank’s (ADB) safeguards review process from 2009, such as the application of the safeguards to all Bank operations and ways in which the ADB is helping countries prepare their own safeguards systems.
There are still disagreements on the inclusion of human rights language in the safeguard policies, especially around the adoption of FPIC. The US office in particular remains non-committal or continues to question the explicit inclusion of human rights framework in the safeguards, though the staff from the Tom Lantos Human Rights Commission has stated their willingness to elevate these issues to the House and State Department. There will also likely be a fight on issues of collective land ownership and individual land tenure, which is expected to be discussed outside the indigenous peoples debate. There is also some pushback on the issue of expanding the scope of the policy review to cover DPLs, though the US office asked for case studies on how DPLs impact indigenous peoples to support their push to include them, as they are currently seeking allies on the Board on this issue.

What became most apparent during these meetings is that the BRICS and the developing member countries (DMCs) have an overriding agenda to push for the adoption of country systems and flexibility. The New Zealand, Malaysian, and Phillipines offices in particular were the most vocal about this issue, though they are open to discussing the qualifications/criteria/requirements before borrower country systems are fully adopted. These criteria could include equivalency and capacity assessment, institutional capacity building, policy strengthening, selectivity of policies, appropriate fiduciary measures, adequate Bank staffing during project implementation, and inter-agency coordination capacity improvement at the sub-national levels. The definition of the minimum standards that will apply will be the main question in this discussion. This trend to push for a country systems approach, which was corroborated by a brief discussion Jelson Garcia had with the Indian ED, stems from the view that the Bank will have to evaluate whether or not its safeguards serves as its leverage for borrowing countries given the diverse sources of development financing now. The impact this will have on rights of indigenous peoples will be dependent on the outcomes of these discussions on minimum standards in the application of country systems, and one we should watch carefully.
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Key Points:

- The USG is interested in getting more support from the Board to expanding the scope of the safeguards review to cover DPLs (Development Policy Loans). They would like Vicky to give them some concrete case studies on DPLs (especially those that relate to natural resource management) that have negatively impacted indigenous peoples.

- Vicky stated that the AIPP would like the Indigenous Peoples policy to remain a stand-alone policy, and remain separate from vulnerable people. But she also stated emphatically that they are more concerned with substance than structure and did not want the policy to be watered down.

- Rachel contested the need to explicitly include human rights language in the policy. Vicky and Gretchen countered that consistency with UNDRIP and other internationally recognized human rights standards for indigenous peoples (such as FPIC in relevant circumstances) should remain the standard for the World Bank policy.

- Among the potentially top fights on IP policy at the Board will be the tension between collective land ownership and individual land tenure rights and benefit sharing. Land tenure will likely be discussed outside indigenous issues. A counter-argument/proposal is important.

Full Discussion:

Vicky Tauli-Corpuz: We’d like to know if you could give us an update around the draft integrated framework that we expected to see by now, according to the time frame provided to us in Doha, Qatar (December 2012), when we (Tebtebba) co-organized the global briefing for indigenous peoples by the Safeguards Review team.

Sara Aviel: We will be able to give you a better sense of the process after the Board technical briefing this week, which is based on the consultations. There is a sense that the team is very behind, due to changes at OPCS (Operations Policy and Country Services) and the new strategy, among other things. We are eager to hear whether you thought the consultations were constructive, and we will be talking to our allies to make these safeguards as strong as possible. We see the safeguards as core to the Bank’s added value. But realistically, there are few voices on this. There are many more that say the safeguards slow things down. What are you interested in as regards the Indigenous Peoples (IP) policy?

Vicky Tauli-Corpuz: We are monitoring the policy review closely and engaging in the process. We are concerned about the broader applications of the safeguards to include DPLs and P4R (Program-for-Results), especially for those policies regarding natural resource issues that are key for indigenous peoples, such as land, forestry, mining, and water management.

Sara Aviel: We are concerned about this issue and would like it if you could give us specific examples that we can use to talk to other offices about including DPLs. What we hear from management is that budget support is a different vehicle than investment lending, and it is broad, vague, and difficult to do this analysis.

Vicky Tauli-Corpuz: We also think that the IP safeguard policy should remain a stand-alone policy, should be strengthened (like including FPIC), should look at key issues such as land tenure, monitoring mechanisms should be strengthened, and there should be greater participation of IPs in various processes at the Bank.
We have heard that the Bank has considered collapsing the IP policy into one that addresses vulnerable and marginalized populations, and we are concerned about that. We would like to keep those separate since we have fought long and hard for our rights enshrined in the UN Declaration on the Rights of Indigenous Peoples. Collective rights are much different than the individual rights of vulnerable people. Regardless of what they are referred to in the different regions, the definition should be based on the UNDRIP and ILO Convention 169.

Rachel Bayly: Could you tell me a little bit more about your credentials?

Vicky Tauli-Corpuz: I am the Executive Director of Tebtebba and the former Chair of the UN Permanent Forum on Indigenous Issues (2005-2009). My institution has been centrally involved in the Safeguard Review processes, helping organize the Global Consultation of Indigenous Peoples with the Safeguard Policy Review Team in Doha, Qatar on December 7, 2012.

Rachel Bayly: From my understanding of the approach paper, management wants to create just one safeguard policy, with indigenous peoples being just one chapter of that policy [this statement came as a surprise to Sara and Dan]. Do you like the ADB structure?

Vicky Tauli-Corpuz: We have issues with it but it was a compromise. We are more concerned with substance. Whatever shape the policy takes, we want it to acknowledge the rights we have fought for.

Jelson Garcia: The ADB is a decent model. It makes reference to UNDRIP and ILO 169. But the definition and implementing requirements of FPIC are watered down.

Vicky Tauli-Corpuz: we would like to continue to engage with you. We would to see significant developments in the implementation of FPIC.

Gretchen Gordon: Priority issues are human rights impact assessment and protections for indigenous peoples’ rights to collective ownership of lands, territories and resources. The current policy only states that borrower’s ‘pay particular attention to’ land rights – there is no clear requirement that indigenous peoples’ rights be respected in Bank projects.

Vicky Tauli-Corpuz: We just don’t want the structure of the policy to undermine the content. Our key concerns are the human rights obligations and expanding the safeguards coverage to DPLs. We will do our homework to provide specific cases in which DPLs directly impacted indigenous peoples and why they should be covered in the safeguards. What we would like to know is what should we prepare for in the review?

Rachel Bayly: Regarding the timing of the SG review process, we don’t really know much; but there is the expectation that there will either be crunch time to get them finished by the original June 2014 deadline or the date will slip. The latter is more likely. I think FPIC will be an issue, as well as human rights, collective rights, DPL and P4R, benefit sharing, and emerging and cross-cutting issues such as land tenure.

Vicky Tauli-Corpuz: Could you give us an idea about the changing borrower profile?

Rachel Bayly: Borrowers want more streamlined safeguards. The Bank wants the SGs to be value added rather than an obstacle. I do have a question on the practical value of calling out human rights in the safeguards in the policy if the standards are in there.

Gretchen Gordon: It is a matter of invoking the rights framework and the specific standards that are already established in international law. The current policy itself references the human rights of indigenous
peoples, but the standards in the policy also need to track human rights standards, e.g. there is a difference between increasing ‘land tenure’ security, and actually guaranteeing indigenous peoples’ collective ownership rights to land. Referencing the human rights framework helps concretize these standards.
**Key Points:**

- The staff we met with are willing to help us ‘elevate’ the issue of indigenous peoples and human rights. We discussed a few ways to move forward, and some of the options on the table include: a briefing, a letter to Dr. Kim, a phone call/letter to relevant USG people working on indigenous peoples/human rights. A hearing was also suggested, but it seems unlikely.
- They welcomed us to contact them at any time with suggestions or concerns and to keep them updated on who we talk to.

**Full Discussion:**

Jolie Schwarz: As the US is the largest shareholder in the World Bank; it is a major player in shaping reforms. We see this as an opportunity to push the Bank’s added value.

Vicky Tauli-Corpuz: I started my work in global advocacy as the result of a World Bank project which was to be implemented in our Ancestral Domain, the Cordillera Region in the Philippines. I was part of the campaign which stopped this WB-funded Chico River Dam Hydroelectric Project in the 1970s.¹ We have been involved in monitoring how the Safeguard Policy on Indigenous Peoples is being implemented and in the various review processes, including this one. Presently, we are helping other indigenous peoples such as the Sengwer and the Maasai in Kenya submit complaints to the World Bank Inspection Panel. I was a chair of the UN Permanent Forum on Indigenous Peoples from 2005-2009. Yesterday we had a meeting with the US Executive Director’s office and US Treasury to talk about the status of the safeguards review and possibilities for our involvement. We don’t want the review to undermine or water down our human rights contained in International Human Rights Law.

In particular we are asking for (i) a stand-alone policy, which will provide more visibility of our specific collective and individual human rights; (ii) expansion of the scope to cover DPLs, P4R, CAS, etc. as they directly impact us, especially when they touch on natural resource management; (iii) strengthening the reference to FPIC, as we are receiving mixed messages from countries; and (iv) different processes within the Bank to allow IPs to have more leverage on monitoring and redress mechanisms such as the IEG and the Inspection Panel. The slipped schedule allows us space to push for human rights in the SG review. What kind of influence can you provide? We are the ones who have the experience in protecting our ecosystems. We don’t want to be clustered into vulnerable and marginalized groups. In principle, the government should consult us, but in reality, most governments and Bank personnel do not do this. There are now some few successes in terms of efforts by States to legislate laws protecting indigenous peoples rights. For instance, in Indonesia there is a bill on IP rights which is being deliberated in Parliament and just recently

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¹ A historical note: The campaign against the Chico River Dam Project led to a letter sent to Robert McNamara, the President of the WB in the 1970s, from the Kalinga and Bontoc people in the Cordillera, requesting him to cancel the WB project as this will lead to their displacement and the destruction of their ancestral domain, including their forests, productive rice-fields, ancestral burial grounds, etc. The US House Sub-Committee on International Development Institutions and Finance held a hearing on this issue in 1983 and those supporting us spoke up. As a result of the series of campaigns done in the Philippines and in the US, the dam project was cancelled. This campaign against the Chico Dam Project together with the campaign against the Polonoroeste road project in Brazil which led to the murder of Chico Mendes, led to the first policy paper on indigenous peoples made by the World Bank. This is the Bank Policy Guideline entitled “Tribal Peoples and Economic Development”. The Bank also established its Environment Department and started formulating an Environment Assessment Policy.
the Constitutional Court of Indonesia ruled that customary forests are owned by the indigenous peoples and not the State. These developments are happening because of the strength of the national federation of indigenous peoples in Indonesia called AMAN.

Katya Migacheva: Congressman McGovern cares about this issue. We will have to explore political currents on this issue, as this is a bipartisan commission. What do you see as our role? We work more on education than legislation. Who helped and who resisted in previous work?

Jolie Schwarz: We have worked with the relevant subcommittees on the Bank, such as the US Senate Committee on Foreign Relations. We have a long relationship with Leader Pelosi, whose work on the multilateral development banks led to what is called the Pelosi Amendment. The Amendment became the World Bank's first environmental assessment safeguard. We also have a long-standing relationship with Barney Frank, whose work helped to establish the Inspection Panel in the early 1990s. A lot of legislation has been passed since the early 1990s.

We continue to have relationships with committee staff such as Dan McGlinchey on specific issues in Burma and Kosovo, and we have meetings with the appropriations staff on safeguards to try to include conditions on the IDA 17 replenishment. The House bill, for example, cut IDA funding by 40%, but the Senate bill is much friendlier. Senator Harkin has been interested in labor and child rights, and Senator Leahy and Leader Pelosi have sent letters to Dr. Kim directly, but that is because they already have that relationship with him. The administration in the form of the Treasury is more directly related to our work, but they are understaffed and lack expertise. We try to provide our expertise and concerns with them through a monthly meeting called Tuesday Group. Congressman Wolf’s office has also been generally positive on human rights.

Jelson Garcia: Congress played an important role in the adoption of the World Bank’s Access to Information Policy in 2009. The intervention of the Senate Foreign Relations Committee including this language as a precondition in the IDA replenishment that year led to the adoption of the basic principles of Article 19. Specifically, the Bank’s paradigm shift is from positive list disclosure of information to the adoption of a true presumption of disclosure and principle of maximum access, subject to a limited set of exceptions. It was a major change from the past, and required an increase in staffing and resources to support the change.

Katya Migacheva: Any ideas that you have we are willing to push. Generally, what we can do is to educate the House, provide resources for the State Department by expressing or imposing pressure on the ballot on issues that need to be elevated, and influence the World Bank directly. Some activities we can suggest include a briefing to educate Congress and a letter signed by commission co-chairs. We do want to work to elevate this issue, but we need to explore our options. We could make a call to State to ask for a briefing.

Denise Bell: The Rule of Law approach may be successful.

Vicky Tauli-Corpuz: I am familiar with the efforts on the High Level Panel on the Legal Empowerment of the Poor which emphasized the rule of law especially in addressing the rights and needs of those marginalized in the implementation of the law. For me, International Human Rights Law should be the lynchpin for the protection of the rights of indigenous peoples.

Jolie Schwarz: It is hard to find people who will work on the Bank, but it would be good to focus on the rule of law and the legal empowerment of the poor.

Jelson Garcia: The timeline is theoretically a two year process, but it is very likely that it will be pushed until the middle of next year. The results of the phase one consultations are being reported to the Board of

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Directors today, and the next step is for management to craft the first draft of the framework. They are also waiting for the launch of the World Bank’s new change strategy, which may have a direct impact on the safeguards. Things are hanging in the balance, but there is time for us to influence the process and the content. Education, hearings, and letters are still helpful.

Katya Migacheva: You have our willingness to push and explore opportunities. We will wait for a push from you on the best ways that we can be helpful. We deal with many things, so don’t worry about bugging us. We meet with indigenous peoples groups all the time, but if there are organizations for the districts of the commission members, that would strengthen the work. Let us know who you contact, and please keep in touch to exchange information.
Key Points:

- Cushla shared that she thinks the initial discussion on the safeguards framework will be structural and will address questions on how the system will function, which she likened to the questions asked during the procurement review. She feels that these discussions, such as the adoption of FPIC, will be very robust and have to deal with the political and practical issues of implementation. Technical input from people on the ground will be critical.

- Cushla stated that the current safeguards take on the role of policing activity, and cautioned that we should not conflate protection with do no harm policies under the safeguards with high quality development through doing good. While this does not preclude greater involvement of IPs in good development, she thinks that conversation will not be addressed in the safeguards review.

- The New Zealand/Australia office is pushing for a country-systems approach both in the safeguards review and across Bank operations more broadly, with appropriate fiduciary measures. However, adopting a broad-based approach to safeguards can be difficult on the country level since many governments within this particular constituency are understaffed, though they may be highly competent. Project Implementation Units may be the only way to get things done in these situations.

Full Discussion:

Cushla Thompson: Just as an update, there is a technical briefing at 4 pm today (July 23rd) to hear the results from the Phase I consultations. Phase I was a quite open process and gave many grassroots level organizations the opportunity to participate at country-level consultations. You can also still use the safeguards website to submit any concerns you have.

Vicky Tauli-Corpuz: Thank you. I would just like to share with you this letter that AIPP sent to Dr. Kim last year regarding the safeguards review, which outlines our key policy recommendations.

Cushla Thompson [after skimming the letter]: My understanding moving forward is that the safeguards team will be focused on the framework rather than the substantive content that you are asking for in this letter. I think it will be more structural in approach. My sense of what that means ties into my work with the procurement review, which deals with questions of whether the new system will be principles-based or rules-based, accountability issues, checks and balances, etc. These are things that I will be asking this afternoon. The how is very important here; it would be useful for stakeholders to ask for this as well. Technical input from people on the ground would also be important.

Jelson Garcia: Important questions that you can ask, Cushla will be: How do you think the new framework compares with the IFC and ADB? Will you retain the ten separate policies or will it be combined? From our experience it seems that Charles Di Leva is receptive to the ADB framework while Rachel Kyte likes to push the IFC model.

Cushla Thompson: There will be lots of interesting conversations internally on just those sorts of issues, I think. FPIC in particular will be an interesting discussion, as there are political as well as potentially practical

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2 The NZ Office also represents Australia, Cambodia, Kiribati, Republic of Korea, Marshall Islands, Micronesia, Mongolia, Palau, Papua New Guinea, Samoa, Solomon Islands, and Vanuatu.
issues around FPIC. Even if we sign on to FPIC in principle, implementation is another thing. There will be a robust discussion on if it will be included and if so, how it will look.

Vicky Tauli-Corpuz: We, the indigenous peoples, have discussed extensively about how to implement FPIC in general, as it is legislated through national law in countries like mine, the Philippines. There are still questions on who should be giving the consent and who determines who to consult with, for example in the Philippines it is typical for the government to pick and choose groups to delegitimize opponents to the project. We are still thinking about how to ensure it is done in the right way and develop best practices. It varies in a lot of countries and it does depend on the country context. But at least the Bank should be firm about being consistent with widely accepted international standards to protect our rights on the ground. It cannot escape from its responsibilities.

Cushla Thompson: Sharing the realities on the ground can be very valuable. I think it will be interesting to see how the safeguards team tackles this issue. Right now the safeguards take on a police role rather than a policy role. The current safeguards from my perspective are more about protection rather than high quality development through doing good, but the two often get conflated. The question now is how to include IPs on creating high quality development projects in their communities, but I do not think this will be tackled in the safeguards review, which is more about policing activities. We could look at the example of New Zealand, where we could try to replicate the culture-specific and country-specific requirements of engaging indigenous peoples in other countries.

Vicky Tauli-Corpuz: I agree with you on the importance of stressing the cultural and country context, as long as the international human rights and environmental standards and good practices are affirmed and reinforced. If Borrowers and the Bank actually implement the safeguards well and go beyond that to quality of development, then we will be happy with that. We would like to have good development and not raise trouble every time there is a project. There is space to work around this and to work together. Right now we are taking a defensive posture every time, but what we really want is to be constructive, which is why we are interested in the safeguards framework.

Jelson Garcia: The AusAID statement may be helpful in this case, as it talks both about safeguards not just about ‘doing no harm’ but also to ‘doing good’. That paper qualifies ‘doing good’ to involve, among others, as ‘a stronger focus on strengthening country’s systems and institutional capacity as opposed to Project Management Units that phase out once projects are completed. Of course, there should be preconditions and careful assessments before the use of country system and that the oversight role of the Bank is maintained, strengthened and clarified.

Cushla Thompson: It is interesting that you raised that. While we believe that there needs to be fiduciary controls, our office is pushing a country-systems approach. This push of course is much broader that just the safeguards.

Jelson Garcia: But like I said, you just can’t go and transfer the responsibility to the government using their own safeguards. There are equivalence, capacity, sequencing and supervision issues here. I suggest you make reference to the way the ADB approached country systems in its 2009 safeguards policy. It’s been nearly 4 years since the revised safeguards were adopted but there is no single project loan that is using wholesale a country system. What has it been doing? The ADB started with 12 Technical Assistance projects (TAs) or more that are focused on strengthening and preparing borrowers’ Country Safeguards Systems (CSS). Its Evaluation Department is going to undertake an evaluation of these CSS TAs, which will inform the ADB on how it will proceed next with the adoption of CSS in some project loans.
I would direct you to the ADB’s webpage on CSS TAs: [http://www.adb.org/site/safeguards/country-safeguard-systems](http://www.adb.org/site/safeguards/country-safeguard-systems). We also know that despite the equivalence of policies, the weaknesses are when it comes to execution.

Vicky Tauli-Corpuz: This is a very important aspect for us. We hear from governments that they don’t know how to implement these standards, especially as many institutions doing development at national and even at the WB levels are fragmented. There is not much coordinated actions and policies between these various bodies.

Cushla Thompson: This is one of the issues that we face, and in some ways it is difficult to talk about without it sounding like a cop-out. In many of the countries in our constituency, it is different from other places where staff just need a little bit of training. In most cases, the government has very good people, with capacity and skills at the highest level, but they are understaffed. In some instances, Project Implementation Units are the only way to get things done, but this is never a long term application of the safeguards systems.

Jelson Garcia: One of the things in the AusAID statement that addresses this is the need for there to be equal staffing in project preparation and implementation. The Bank deploys more staff during preparation and less during implementation and monitoring. If such resources are not provided, staff limitations within the government and from the Bank will make CSS application difficult. It comes down to a proper allocation of resources.

Cushla Thompson: Good, it is good to think about this for broader-based discussions and processes in the Bank, such as the corporate change process.

Vicky Tauli-Corpuz: It is good for me to see the bigger picture, because for us it is all related. We want to understand the context of the safeguards review in order to provide better proposals. Our concerns right now are to ensure that (i) our internationally accepted rights will not be undermined in the new safeguards, (ii) IPs will be included in monitoring and participatory mechanisms, and (iii) improvements will be made in the awareness and capacities of government personnel and WB staff along with incentives provided to properly implement these standards. The problems faced by many indigenous peoples in several countries is that the government people and the National WB Staff are not aware of the indigenous peoples safeguard policy and they are not sensitive at all to indigenous peoples’ rights and needs.
**Key Points:**

- Dr. Annamalai was open to our discussion as he believes it is important to hear the ‘third voice’ from people on the ground to gain a new perspective. He does not have a view on the safeguards review yet since he still needs to be informed by the countries in his constituency.

- Dr. Annamalai also stressed that the World Bank must learn from other agencies to make itself relevant and identify what leverage it can have over non-borrowing countries.

- The office is pushing for greater Bank involvement in projects post-commitment.

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**Full Discussion:**

Sundaran Annamalai: My objective in this discussion is to know what your thoughts are on there the Bank is going. Do you have suggestions for us? I am glad you are here today because I find that it helps build my perspective on this topic from people on the ground.

Jelson Garcia: The main premise of our interest in this discussion is as follows: (i) the World Bank safeguard policies provide added value and comparative advantage to provide development objectives; (ii) the policies are key to clarity on procedural rights from local communities; and (iii) the safeguard policies should be central to poverty reduction objectives or they will be undermined through the creation of risk. We know borrowers have changed, accumulated their own sovereign fund, and have more sources of financing, but this is not an excuse to forget or weaken safeguards. It is important to know about the benefits and risks.

We would like to see strengthened safeguard policies that cover all lending instruments. At the very least, they should be comparable, and preferably better than, the ADB model, which tend to be more holistic. The overall framework contains the policy principles and objectives, while still retaining specific policy requirements for Environmental Assessment, Involuntary Resettlement, and Indigenous Peoples. The policy applies across all tools and operations, except the new Results-Based Financing program, which is similar to the P4R at the World Bank but has more criteria regarding the application of safeguards. This review process is also an opportunity to reflect on the relevance and effectiveness of the policy, how it can respond to changing needs within the borrower community, and how it can relate to or adopt international standards and best practices (such as FPIC, UNDRIP, and ILO Convention No. 169).

In the context of Bank members, we understand that donors and middle-income countries have overlapping and different policy reform priorities. That is why seek to have conversation with the Executive Directors who represent their own stakeholders including the CSOs and the communities at large. But a conversation with those like you who represent developing countries is equally, if not more, important since you are part owners and borrowers of the project loans. Donors need to learn from borrowing members, including on the opportunities and pitfalls of country systems – things like which country policies to adopt, what the proper sequencing is, and capacity and adequacy assessments, for example. We would also like to hear how you view the proposed shift from do no harm to doing good. We share the view that the Bank’s safeguards should play the role not just as the cop or police but for good as well. But we’re interested in hearing your view on how safeguards will not be undermined by pursuing this shift.

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3 The Malaysian office also represents Brunei Darussalam, Fiji, Indonesia, Lao PDR, Myanmar, Nepal, Singapore, Thailand, Tonga, and Vietnam.
Vicky Tauli-Corpuz: The safeguards review is challenging for us in terms of the changing profile of the borrowing countries. I have been actively engaged in this for some time, and have been discussing this with others especially in the context of the post-2015 agenda. We are aware that the Bank plays a key role in shaping development around the world and has messed up in many cases. We want IPs to be in alliance with governments; more freedom to define the development path may allow for more IP involvement in projects, especially since we have so much expertise to share on the protection of natural resources. We helped to organize a discussion on this topic with the safeguards team in Doha after the climate talks, and one of the key questions was how the rights of IPs will be addressed in light of the safeguards review and the proposed integrated framework.

This may be an opportunity for us to question the development framework that has been pushed by the Bank. The discussion is going beyond the safeguards, but we want to know what we can do to rectify these problems. The do no harm approach in the safeguards should be looked at in a more integrated manner to show the linkages across policies. This is speculation, but we would like to get your sense of whether there will be a shift in the Bank’s attitude or whether it will just be business as usual.

Jelson Garcia: Similar arguments were made during the ADB review, saying that the safeguards were a distraction, the transaction costs were too high, they slow things down, and encroach on country sovereignty and ownership. But ultimately the policies were approved because it became more about what amount of resources the ADB will give borrowers to implement the requirements. Budget allocations were made to strengthen institutional capacity and staff requirements.

Vicky Tauli-Corpuz: Do you see the WB learning lessons from the ADB?

Sundaran Annamalai: That is a conversation that we always have, and not just on the safeguards review. We have to put everything out on the table. We have to acknowledge that the World Bank and ADB are not the only donors, so you have to identify what leverage you have for non-borrowing countries. Efficacy is tied in with the resources given to the country. That is why it is important to learn from what others are doing.

I will take back the report to the capitals and see their perspective on the safeguards review. I will be guided by what they say. It is a question of how the Bank builds capacity. Sometimes we may come into conflict depending on the type of project. How do you resolve these tensions? Certainly there are areas we can improve. We must find the right balance in the safeguards. I don’t have a position on this, as I am guided by the 11 countries back home, but the intention of the first phase of the review is to see and learn from others.

Jelson Garcia: I hope that this is just the first of many meetings. We don’t want to inundate you, but I have other thing I would like to discuss based on my understanding of the thinking from many perspectives in Asia. We can have a further conversation with you or your advisors.

Vicky Tauli-Corpuz: I really think there needs to be more meetings with borrowing countries.

Sundaran Annamalai: I appreciate hearing the third voice from people on the ground like you. It is best to co-opt you early in the process. When projects are being discussed at the initial stages, what involvement do you see?

Jelson Garcia: The Bank is guided by the Access to Information Policy that they adopted in 2009. We also see the need for the importance of third party monitors and capacity building, as well as staff training on the safeguards.

Sundaran Annamalai: Good. We as a block are pushing for greater involvement post-commitment.
Key Points:

- The Safeguards Review team gave an update on the technical briefing given to the World Bank Board of Directors on July 23, 2013. The presentation covered a summary of the responses received during the first phase of consultations and a skeleton of the integrated safeguards framework and is now available online.

- CODE will have a discussion in January 2014 on the two documents presented by the Management: 1) the first draft of the Integrated Safeguards Framework plus the content and 2) a Policy Matrix that lays out the specific comments and Management proposal on particular policy areas.

- The Integrated Safeguards Framework proposed by the team is a 3x2 matrix that covers Bank and Borrower obligations at the strategic level, the project level, and the knowledge and capacity building level. This is intended to allow borrowers to build the institutional capacity needed to implement the safeguards and improve their relationship with the Bank.

- The SG team indicated that they plan on having a single integrated sustainability policy that would take the place of the OPs currently in use. This would not preclude the use of chapters as in the ADB and IFC models. However, only investment lending and some trust funds (not DPLs and P4R) are included within the scope of this framework at the project level.

- The Safeguards Review team asserted their intention to recognize the particular rights of Indigenous Peoples and not combine them with other vulnerable and marginalized groups in the policy. This was in response to issues raised about the reported move to do the same. Bank will review its strategy in communicating a response to this question.

- Luis Felipe Duchicela is leading a number of dialogues with indigenous peoples between now and December 2013 to gain their perspective on the safeguards to feed into the CODE discussions and influence the content of the framework.

- FCPF and UNREDD are holding a workshop in Germany this September on REDD+ and moving forward with consultations, which the organizers hope will generate lessons learned that can be used in interacting with IPs in the safeguards review and beyond. Vicky Tauli-Corpuz will be a co-facilitator at the workshop, and Stephen Lintner’s team will be there.

Full Discussion:

Stephen Lintner: We are making incremental (Charles Di Leva – otherwise called ‘slow’) progress in the safeguards review. The presentation we gave to the Board of Directors during the technical briefing yesterday is up on the website ([http://siteresources.worldbank.org/EXTSAFEPOL/Resources/584434-1306431390058/SafeguardsReviewStatusReportBoardBriefingJuly232013.pdf](http://siteresources.worldbank.org/EXTSAFEPOL/Resources/584434-1306431390058/SafeguardsReviewStatusReportBoardBriefingJuly232013.pdf)) and was divided into two sections. The first part covered the process in a retrospective view, and included comments we received from governments, civil society, and multi-stakeholder consultations. Indigenous Peoples (IP) in particular are important in this dialogue, especially on rights, land, etc. There was a tremendous amount of diversity in these views and there are a few word clouds in the presentation that illustrates which words came up most frequently. Implementation, development, and rights are words that are coming up out of this frequency analysis.

The second part is on moving forward towards an integrated framework. We are trying to fully anchor the work in approaches used by governments and trying to make institutions work. There is a recognition that
this is complicated, but it should lead to better effectiveness. This is of course complicated by Dr. Kim’s edict last night regarding the corporate change process and how we modify the Bank. So now there are two discussions going on here: creating policy and designing practice groups. We will come back to CODE in January 2014 with a paper on the first draft of the Integrated Safeguards Framework and a matrix of consultation inputs. You might be interested to know that Asia-Pacific is the largest grouping of people who provided comments and second in written submissions after North America.

Vicky Tauli-Corpuz: The meetings we have had with the EDs so far is to share what Asian IPs have been thinking about this process and to gather information on what the EDs have been thinking about our requests, whether they are reasonable or asking too much. We want the safeguards to cover DPL and P4R, and the US ED asked questions regarding cases we could cite to justify the inclusion of the DPLS in the coverage of the safeguards. The Treasury representative also implied that the structure will be an overarching policy with different sections, but we stressed that whatever the structure we do not want the policy to undermine our rights and we do not want to be lumped together with vulnerable and marginalized groups.

We also want the safeguards to declare our rights under UNDRIP and ILO Convention 169 at the outset, but the rights language does not necessarily have to be everywhere in the policy. The New Zealand advisor was also concerned about framework over substance, and wondered how it would compare to the ADB and IFC. The Malaysian ED had similar questions on the positive change this framework could have, though it is difficult to frame a single position due to having a large and diverse constituency.

Stephen Lintner: We have on multiple occasions stated that we will not combine Indigenous Peoples with vulnerable groups, so please take this as a commitment from our side. Where are you hearing this so that we can correct it?

Vicky Tauli-Corpuz: We have been hearing it from countries such as Kenya where they do not want to deal with the complications of indigenous peoples.

Jelson Garcia: We have also heard from the US side that they heard movement on lumping these groups together.

Stephen Lintner: We have never considered combining them, but in operationalizing the policy on the ground, using vulnerable groups instead is a terminological thing that makes it easier for governments to deal with. It is very important from a technical and political perspective to respect the special rights given to Indigenous Peoples as a separate section in our policy.

Charles Di Leva: We will of course want to reflect on the meetings in Manila and the input from James Anaya and others, as it is important for us to stay on the same wavelength. The process gives us space to work together in a mutually compatible way. However, there needs to be a discussion on where there may be a difference in our approaches. Maybe the term incremental could apply here as well in terms of the progress in the recognition of rights. We have a huge, diverse landscape, and we have EDs that have wanted to weaken the safeguards in the past that we had to push back on.

Vicky Tauli-Corpuz: Are there any studies, documents, or analysis that could provide best practices in terms of operationalizing these policies?

Charles Di Leva: Sometimes it is difficult to prove a negative. I don’t think we see the same sort of issues post-2005. We do have some data that hasn’t been scientifically collated that may be useful, but I would say that things are probably much better off since 2005.

Stephen Lintner: A German group looked at the example of the Philippines, which is in many ways one of the interesting things to look at. The positive things include broad recognition of rights, legislation, good
will, and how you bring the policy down to reality. Maybe Motoko can talk a little more about how this works under the framework we are proposing.

Motoko Aizawa: In any event, the document you can see here is a structural presentation, the skeleton if you will. Most of the questions we received from the Board were things like ‘Where is the meat? What will the meat look like?’ From a policy production view the structure is very important. What we want to know is whether the skeleton is more or less persuasive given other models. We created a basic 3x2 matrix outlining Bank and Borrower obligations on high level, project specific, and guidance level activities, and this diagram shows the relationships and dialogues at different levels. We all have to take a view on adding a fuller body, and it is a little too early to say what the next step is. There are distractions from the corporate change strategy, and at the minimum we expect it to be disruptive since we will need to reorganize our global practice groups and there are questions around who will head it, reporting lines, and where safeguards will sit. The President’s edict last night may bode well for us though, as it is focused on simplification and harmonization. We are optimistic, but must be slow.

Luis Felipe Duchicela: I would like to bring you up to speed on the dialogue and engagement process we have been holding with indigenous peoples so far. We had a series of 9 pre-dialogue meetings from around the world in March-June this year, starting in Manila. Latin American groups in particular were the most involved, and suggested that the consultations be dialogues. The second phase of the general consultations begins in 2014, which gives us from now until December to have these dialogues with IPs. Each region has different dynamics, but we will truly try to get substantive feedback from these meetings, especially on the safeguards, to feed into the CODE discussion.

The scope has been expanded in the pre-dialogue phase and will look at the written letter of the policy, but we can also look beyond the established policy and discuss constraints on implementation. We also have a complementary objective on ensuring that IPs can participate more fully in the planning process to make real their vision of development. The question is how do we ensure participation or engagement in the future to ensure that policies are implemented well in practice? I am happy with the process so far, and I feel that the IP piece will fit perfectly into this integrated framework with the Bank and the government working together. The gaps between the ground and high level are a weakness in implementation, but good substantive feedback on the general discussion should lead to the meat we keep talking about.

Motoko Aizawa: Now you can see the more elaborate version of the 3x2 matrix I was discussing earlier. The reason why we are proposing these three levels is because we have focused too much on the project level in the past and loaded then with too many conditionalities. The strategy component of the safeguards framework will include the articulation of Bank’s vision, its overarching principles and objectives such as shared prosperity and ending poverty, and the statement of its environmental and social goals). The mandatory component of the proposed framework is on the Project, where there are ‘sustainability requirement’ each to the Bank and the borrower. The sustainability policy in this framework can be considered the ‘Operational Policy’ while the risk management procedures can be considered the ‘Business Procedure.’

Some of the things we ask require a long lead time, and there is often a mismatch between borrower capacity and Bank expectations. We have to have an ongoing conversation on the strategic level to focus on long term knowledge and capacity building, but these steps are not necessarily sequential. We will still have the mandatory elements for the Bank and borrower at the project level.

What we have heard is that the current OP is confusing, so we are trying to harmonize this. What this means is that the Bank will work to capture our thoughts in one document, the Environmental and Social Sustainability Statement, which will pick up where the Development Committee paper left off. We hope the
countries will prioritize this and work with the Bank to create a similar country-level plan, which would be included in the country partnership framework. It is basically preparing the ground to help countries do safeguards better.

There are mandatory requirements at the project level, with the Bank providing oversight and the borrower undertaking the environmental and social assessments and implementing projects. The project action plan is what the borrower must do and the Bank will use this to monitor the activities. On the Bank’s side we need better guidance information and management systems, and borrowers want better tools, guidance, and case studies. The Project Action Plan and the Country Partnership Framework will inform this long term capacity building plan.

It is at the very early stage, but there are still concerns that this may be too complicated or whether this is just old wine in a new bottle. Safeguards alone cannot get us there, which is why we need this upstream conversation and downstream/implementation discussions. Hopefully this will lead to better relationships and implementation.

Simon Whitehouse: In the FPCF, we recognize indigenous peoples in forestry issues. We think it is important not to merge these issues as you have said, and we try to get the right groups involved in our discussions and participant committees. On the safeguards review, we are doing ‘watch and brief,’ but it is not a problem to us that it is slow, it is more important to get things right. FPIC in particular is a critical element for us.

Ken Rapp: the German government and UNREDD are putting together a workshop on consultations around REDD+ in September to discuss ways to move things forward, and Vicky will actually be a co-facilitator of that workshop. We hope it will show where engagements have led and lessons that have been learned. While this workshop is in the REDD+ context, it will hopefully allow lessons to be learned in other contexts, such as for the safeguards review.

Stephen Lintner: I and my team will be there as we think this is important.

Jelson Garcia: Is the Country Action Plan different from the Country Assistance/Partnership Strategy? The proposed framework will apply to investment loans, DPLs and Bank-administered trust funds, correct? How does the ‘proposed sustainability policy look like? Is it a suite of policies similar to ADB’s SPS? In the proposed ‘Risk Management Procedures’, can you clarify if these apply to a joint IBRD/IDA and IFC/MIGA project financing?

Stephen Lintner: As this is a plan, an idea, we can’t really elaborate on this as we don’t really know. We don’t have a specific view at this point. Currently, the safeguards have coverage of projectized work, specifically investment lending and trust funds that the World Bank is operationalizing. IFAD trust funds, which often do work related to indigenous peoples, are an example of this kind of work. The scope of what we will be looking at in the approach paper will be on IBRD/IDA investment lending and similar projects. In developing the components of sustainability policy, we will take guidance from other MDB safeguard models. (Stephen gave long but unclear answer to risk management procedure question.)

Vicky Tauli-Corpuz: You mentioned bringing this from the Development Committee (this very big thing) to the safeguards process (a relatively small thing). What are the opportunities to influence this big thing, the Development Committee?

Stephen Lintner: The Development Committee paper says two things; first is the focus on reducing (and ideally eliminating) poverty and increasing shared prosperity and second is the overarching principle on
sustainable environmental and social development. The Development Committee has endorsed sustainable development as a cross-cutting issue across Bank operations, which should influence our discussions as safeguards are a part of that dialogue. The problem is that people will focus so much on the safeguards that they miss the bigger picture of better engagement, and unfortunately safeguards has dominated the agenda.

Vicky Tauli-Corpuz: The policies may say do no harm, but what is more important, in the long run, is doing good in development work. Usually Safeguard Policies are meant to address actual or potential damage or wrongs which are happening or can happen in the process of development. What is more long lasting is doing development the right way, which means including people, who will be affected positively or negatively by development, in the whole cycle of development from design, planning, implementation, monitoring and evaluation. Of course, this includes the model of development of which the Bank plays a role in defining and shaping. So if the integrated framework you are talking about will look at this big picture and then see the role of safeguards in this context, then we are interested to see and engage on the development of this framework.

Mark Rentschler: On this diagram, when you say Sustainability Policy, do you mean it in the singular?

Stephen Lintner: We are planning on having a single integrated policy. Even though in the past it may have been easier to monitor or implement with separate policies, at this point if we want better development, we need an integrated policy. That does not mean that we would not have separate chapters. On the question regarding the coverage of DPLs, we did mention that to the Board as an issue. We clearly have an obligation to tell the Board that there is an interest in expanding coverage. My biggest concern is for people to hear a diversity of opinions.
Key Points:

- Roberto said there was nothing in the safeguards presentation that surprised him, though his office opposes including market systems in the coverage of the safeguards. He stated that the Board agrees with the proposed framework generally, but the Safeguards Review team is still in the middle of second-level consultations with the Board and other decision makers to hear more comments on general thematic issues. He thinks the next step will be more revealing.

- Roberto’s office is a strong proponent of the country systems approach in the safeguards, and would like the safeguards to be more flexible to accommodate a country’s needs and realities on the ground. He does not dispute the fact that there needs to be minimum standards within a country’s system, but he believes that adequacy assessments conducted by the Bank can provide the requested flexibility.

- Roberto also stated that he believes that capacity building must be a two-way conversation, and that there has to be an educated assessment on how countries are safeguarding their interests. This includes making sure that indigenous peoples’ voices and knowledge are shared.

Full Discussion:

Jelson Garcia: As an introduction, this is a continuation of our process of updating each other after we met the last time regarding our partner from the Philippines on the disability campaign. I was just at a workshop in Manila on disability and the safeguards. There was also a consultation in Manila in March on FPIC as one of the five emerging issues of the safeguards review. We also organized a regional consultation in Bangkok. The comments that they have solicited from these consultations are posted on the safeguards web page, and the team also gave a report back to CSOs in late April so we could weigh in on the diverse views. We heard that they presented these comments and the skeleton of the framework to the Board yesterday, but that is why we brought Vicky, so that she can weigh in during the time around the briefing. The two things we would like to cover in this meeting are your feedback from the technical briefing and Vicky’s key points and recommendations.

Roberto Tan: The Safeguards Review team gave an update on the review and discussed the form and shape of the updated framework, as you have noted. Most of the discussion was on the general thematic framework of the safeguards but we still don’t have any operational details. This is focused mainly on social and environmental impacts of World Bank projects and the process of how to minimize negative impacts. I think there is now a stronger emphasis on handicapped populations and the mindset of the new framework being developed. Thousands of CSOs, governments, and multi-stakeholders have been consulted through different fora. Once the presentation has been made public I will share it with you.

Vicky Tauli-Corpuz: What was your sense of the role of your cluster?

Roberto Tan: There is a slide in the presentation comparing the dominant issues of different country groups, namely donors, BRICS, and other developing countries. Donors do not want dilution and want to

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4 The Philippines office also represents Brazil, Colombia, Dominican Republic, Ecuador, Haiti, Panama, Suriname, and Trinidad and Tobago.
see harmonized procedures, while BRICS want to see an emphasis on country systems, simplified safeguards, and listen more to developing countries to make it easier to receive aid. Generally, the only different issue is whether safeguards should be applied to market systems, which we oppose. There was nothing in the presentation really that had me surprised. They are still in the process of second-level consultations with the Board and other decision-makers. We will have to wait for more form and shape, but they have received comments on thematic issues.

Dr. Kim’s statement on the change process was not interjected in their presentation. It is a very well-guarded sector to make sure World Bank projects are very much concerned with impacts on climate change, the environment, and indigenous peoples. There is also a strong belief for flexibility in the safeguards from developing countries based on country systems. What will be more revealing is the next step. I did not hear much new from the other directors, who agree with the results generally. On my side I would like the safeguards to be more flexible to accommodate our own way of doing things and the realities on the ground.

Jelson Garcia: We do not have to agree on this for now, but the need for flexibility begs clarity and other concerns. I would have liked to have the conversation around the framework, as the framework itself begs a lot of clarity as well. There are still some encouraging things here.

Vicky Tauli-Corpuz: For me, after hearing what the team presented is that they have thought about country systems in a way in which they will build capacity in country institutions rather than building parallel institutions. This will allow for flexibility and we understand your position. But from the IP perspective we would like to stress that minimum international standards should still be respected at the country level. I think institutional capacity and knowledge enhancement is an important thing for both Bank country staff and government staff.

Roberto Tan: There is no disagreement with regards to minimum standards. The policy and legal framework is advanced, but the problem is capacity to implement in the spirit of the letter.

Jelson Garcia: This has been an issue since the ADB safeguards review. One risk of the country systems approach is that many countries do not have policies that are on par with the Bank’s (which are good, but can be improved through things like FPIC). Is there budget allocation at all level of government to implement these policies? Is there political will? This requires substantial analysis. Country systems are nothing new, as evidenced by the Paris and Accra Declarations, but how do we operationalize it?

Roberto Tan: That is where the flexibility comes in, with an assessment of whether the country system is adequate.

Jelson Garcia: The ADB, for example, has spent the past four years since they have adopted the new safeguard policies providing technical assistance, feasibility studies, and training to governments to improve country systems. They will have a session this year to discuss what they have learned through this process.

Vicky Tauli-Corpuz: That was a question that was raised as well on practices at other banks, on the need to learn from others.

Jelson Garcia: There needs to be proper equivalency and capacity assessments as well as capacity development. The proposed framework includes upstream development and capacity building, which is where you can talk about country systems.

Roberto Tan: Yes, it is important that they meet the criteria.
Vicky Tauli-Corpuz: From our perspective, there are arguments for donors and banks to build capacity, but the indigenous peoples’ capacity is not tapped or supported. There needs to be a knowledge exchange. I believe that capacity-building is two-sided. It is not only the capacity of indigenous peoples or developing countries which should be enhanced. The capacity of developed countries and the Bank, especially in terms of understanding indigenous peoples’ rights, perspectives, and practices of development should also be included. Indigenous peoples, especially in developing countries, are the ones who have effectively conserved and sustainably used their forests and their ecosystems. This happened despite government policies and actions which marginalized control and ownership of indigenous peoples over their forests and resources. Today, data would show that the world’s remaining better conserved tropical forests are found in the traditional territories of indigenous peoples. This means that we have a lot to contribute in managing and using our forests and ecosystems, in general. We believe that for us to continue playing these roles, international human rights and environmental minimum standards should be implemented by the States, who are the duty-bearers.

Roberto Tan: Capacity building must be a two-way conversation. There has to be an educated assessment on how countries are safeguarding their interests, but I don’t know if countries have agreed to minimum standards.

Vicky Tauli-Corpuz: Those countries that are signatories to UNDRIP should accept the standards set there, but they need capacity building to implement it.

Jelson Garcia: What we want to see is a clarity of obligation. Right now dialogue is not represented in the Country Partnership Framework, but the change strategy at the Bank might be an opportunity to embed safeguards in this framework since one of the recommendations under the change process is to create a new one.
NGOs: Vicky Tauli-Corpuz, Jelson Garcia (BIC), Sarah McNeal (BIC)
EU ED Offices: Peter Ellehoj (Advisor; Denmark5), Daniel Guenther (Advisor; Germany), Reto Grueninger (Advisor; Switzerland6), Greta Minxhozi (Advisor; Italy7)

**Key Points:**

- The EU ED offices are generally positive about the direction of the integrated framework skeleton presented by the Safeguards Review team as moving away from an isolated, project-only approach, though they acknowledge that the devil will be in the details.
- Peter stated that the slipping review schedule may be a good thing, as there may be an opportunity to link the safeguards review to the post-2015 development agenda.
- Reto argued that dialogue among the various parties will be very important, even if it leads to conflicting goals. He also said that we have to be realistic about the fact that for long-term development needs we may need to start with weaker standards than we want, but the question is how low we can go.
- The EU offices also wanted clarity on how to define IPs in the varying country contexts. Vicky promised to follow up with them.

**Full Discussion:**

Peter Ellehoj: What we have seen so far is a lot of diversity in approaches to the safeguards, and your visit is very timely given that we had the technical briefing yesterday.

Vicky Tauli-Corpuz: I would like to just give you a review of what I have been presenting to everyone this week. We in the IP community are concerned with the substance of the final draft. We IPs would like to ensure that the internationally enshrined rights under the ILO Convention No. 169 and UNDRIP will not be watered down, and would like to see the scope of the safeguards expanded to cover DPLs and maybe P4R. There should at least be a stand-alone chapter on IPs in the safeguards that does not lump us together with vulnerable groups. We have worked very closely with the EU States who supported us in getting the UNDRIP adopted by the UN General Assembly and we expect that you will still be consistent in your support for these minimum international standards. We would also like to get your sense of what the integrated framework of the WB will be for the safeguards. We support the view and actions to ensure that safeguards not be seen in insolation or just applied to project loans and not to policies and strategies related to development. What we are most interested in is to see that the model and architecture of development promotes the values of justice, equality, sustainability, non-discrimination, etc. Do no harm policies, such as those contained in Safeguard Policies, are just one part of the equation.

Peter Ellehoj: There will be consultations in the second phase, and you can share your views there. The devil will be in the details in how to approach this skeleton.

Vicky Tauli-Corpuz: Luis Felipe Duchicela told us that he will have a series of dialogues with IPs through the end of the year. In terms of what these meetings mean for us, it is to share widely what I have learned here to the global IP community, get their feedback, and get them to participate in the consultations. I will email you the document that we created on the post-2015 agenda in relation to the World Conference on

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5 The Denmark office also covers Estonia, Finland, Iceland, Latvia, Lithuania, Norway, and Sweden.
6 The Switzerland office also covers Azerbaijan, Kyrgyz Republic, Poland, Serbia, Tajikistan, Turkmenistan, and Uzbekistan.
7 The Italy office also covers Albania, Greece, Malta, Portugal, San Marino, and Timor-Leste.
Indigenous Peoples that will be held next year and minimum standards. We do have global links (the EU included), and we will engage more actively, as this is a make-or-break kind of thing to enforce.

Peter Ellehoj: What are your concerns? The review process has slipped a bit, but slippage might be a good thing as we could link it to the post-2015 agenda.

Vicky Tauli-Corpuz: Our main concern truly is in protecting our rights and resources by protecting our territories from those who want our resources. We want a say over our territory, since a lack of protections leads to conflict. So we want to know if we are going to see a change regarding extractives, land, forest, water, and other natural resource management issues. We want to know if the Board will protect our right to consent and participation, among others. The Bank still plays a significant role in shaping the architecture of development, and we want to know who our allies are.

Jelson Garcia: As a reiteration of our point, the structure should go beyond investment lending and provide clarity on trust funds. There should be caution on how to adopt country systems, which we are not opposed to entirely but would argue requires capacity building and assessments. We would also like to see the Bank adhere to international minimum standards. We hope flexibility can be addressed in this framework, as the Country Action Plan is something new that can be part of doing good.

Coming up with a plan for knowledge building and sharing requires budget allocation in upstream and downstream management. Do no harm policies are adequate, but the framework could provide ways to properly implement them. Risk Management Procedures, for example, are still unclear. But now that they have presented the skeleton, the thematic discussions will now be on the meat.

Reto Grueninger: As to our side, we do not have more information than you. My first impression was positive in the sense that we are moving away from being strictly project-focused to accompanying the borrowing country on the developing path. This may be idealistic, but it is good to move away from the isolated approaches. There are risks, as rigidity in the policies allows us comfort in applying the rules. It is easier to make a good project than to have a comprehensive discussion on the safeguards in every country in general. We are sympathetic from our bilateral background to the UN declarations and other international standards.

The additional institutional view is to have two equal pillars for Bank and borrower obligations, as we are trying to find our relevance. Dialogue may lead to conflicting ideas and goals, but we need to have this conversation. The long-term view needs to acknowledge that we may not be able start with very good standards (while that is something to work towards), but the question is how low can we go? There are also conflicting ideas on how we define indigenous peoples.

Vicky Tauli-Corpuz: I will send you the UN documents which present agreements reached in terms of defining indigenous peoples and proposals to deal with these issues. Essentially the principle underpinning the question of who are indigenous peoples is self-identification. We do not want to be defined by States nor by the international community. There are a lot of complexities, but many of us are clear on who we are, what are our identities and continue to act to protect our territories for future generations. That is why we want to be more proactive in the processes of reviewing safeguards and also in the development of the Post-2015 Development Agenda and to be a part of the solution to the multiple economic, environmental and development crises. We want to be a partner with the World Bank and the governments but on conditions which are also favorable to us.