



STRIKING A BETTER BALANCE

VOLUME V

FINAL WORKSHOP REPORT AND STAKEHOLDER SUBMISSIONS OR COMMENTS

THE FINAL REPORT OF THE EXTRACTIVE INDUSTRIES REVIEW

December 2003



The Extractive Industries Review (EIR)

Final Workshop Report

**Lisbon, Portugal
December 11-13, 2003**

Extractive Industries Review

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Notes

The Extractive Industries Review Final Workshop was held in Lisbon, Portugal, 11-13 December 2003. This report was prepared by the EIR Secretariat to summarize the workshop discussions and outputs.

As in common usage, unless otherwise indicated, use of the terms ‘World Bank’ or ‘the Bank’ refers to the International Bank for Reconstruction and Development (IBRD) and International Development Agency (IDA). The International Finance Corporation and the Multilateral Investment Guarantee Agency are referred to as IFC and MIGA, respectively. The term ‘World Bank Group’ (WBG) is used as a collective term for all the above institutions.

Abbreviations and Acronyms

ASM	Artisanal and small-scale mining
CAS	Country Assistance Strategy
CPIA	Country Performance Institutional Assessment
EIR	Extractive Industries Review
EITI	Extractive Industries Transparency Initiative
FPIC	Free Prior Informed Consent
IBRD	International Bank for Reconstruction and Development
IFC	International Finance Corporation
ILO	International Labor Organization
IMF	International Monetary Fund
MIGA	Multilateral Investment Guarantee Agency
NGO	Non-Government Organization
UN	United Nations
WBG	World Bank Group

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Further information on the EIR Web site (<http://www.eireview.org>)



1. Introduction

The Extractive Industries Review (EIR) Final Workshop took place in Lisbon, Portugal, December 11-13, 2003. This was the final multistakeholder event in a consultative process that started with a workshop in Brussels, Belgium, in October 2001. The purpose of the workshop was to discuss the EIR recommendations with stakeholders, to solicit input on how to best implement them, and to build coalitions for future action. Approximately 80 participants attended, representing civil society (nongovernmental organizations (NGOs), community-based and indigenous peoples organizations, and labor unions), government, industry, academia, and the World Bank Group (WBG) itself.

The main issues discussed were information disclosure, sustainable energy, governance, human rights, accountability, artisanal and small-scale mining (ASM), transparency, and WBG accountability. There was general agreement with the recommendations on such issues as good governance, human rights, transparency, revenue management, and local participation. And it was agreed that the WBG should remain involved with extractive industries provided conditions of governance were suitable. However, there was a major disagreement over the recommendation for the WBG to phase out of oil by 2008 and to continue to disengage from investing in coal, as well as confusion over what is meant by free and prior informed consent.

The workshop process was guided by the EIR's Eminent Person, Prof. Dr. Emil Salim. The final EIR report will be presented to WBG President, James D. Wolfensohn, in January 2004. A response from the Management Board of the WBG is expected within three months, and the Eminent Person will add his final remarks before the WBG Directors make their decision about the report.



Day One

2. Welcome by the Eminent Person

Introducing the final workshop, Dr. Salim welcomed all participants and provided some background on the rationale behind the EIR process. The main motivating thread is the changing development trend from economic growth to sustainable development. Dr. Salim emphasized three points: (1) environmental, social, and economic concerns need to be integrated within the mainstream of sustainable development, which brings with it an added cost that someone has to pay; (2) development must involve more than just government and business—to move forward it must also involve civil society, in a triangle of partnership; and (3) not only the outcome but also the process of development is important, and this needs to be based upon human rights.

Dr. Salim explained that a double standard prevails in today's global development. Developing countries are being pressured to open up their markets for foreign competition, yet they face tariffs and other market barriers when they attempt to compete in foreign markets in industrial countries. Dr. Salim cited the example of the import duties in industrial countries, which are high for processed mining products but low for mining raw material, and a \$2/day subsidy in Europe for cows while billions of people worldwide are subsisting on less than \$2/day. There is a terrible imbalance in the world and millions of people are suffering because of it. And there is no international grievance mechanism for people to go to seek justice. Why doesn't the World Bank Group take this on? The speech by the President of the WBG in Dubai in September this year highlighted these inequities and injustices.

The final report is a reflection of a deeply concerned protest that stems from our conscience over fundamental inequities between industrial and developing countries. What has been stated in the report will not change after this meeting. The Eminent Person takes full responsibility for the content, and requested everyone to accept it as it is because it is written from the voice of conscience. What is needed now is collective action, so that together the various stakeholders can bring about change in the world. In seeking change, don't expect satisfactory achievements in one year. By 2020, however, things must change; otherwise, if left as they are, countries will sink under the rising waters from global warming due to carbon dioxide (CO₂) emissions.

Dr. Salim asked everyone for their help in identifying what can be done together to move ahead. If there are areas of disagreement, that's OK, and let us continue the discussion to find a solution. But where there is agreement everyone needs to work together to bring about change in the World Bank Group and the way it works.

3. Presentation of EIR Process and Recommendations

Prior to the presentation of the final report, the Eminent Person clarified some questions about the report. Some participants wanted to make changes to the report, but it was made clear that the existing text would remain unchanged apart from a few minor factual corrections regarding accidents in the oil industry (and copies of the corrected text would be made available to the participants). However, individuals and groups could submit comments that would be included in an annex to the report.

The EIR Secretariat then presented a PowerPoint summary of the consultation process, the views of the main stakeholders, and the main recommendations from the report.

4. Questions for Clarification

The Eminent Person responded to selected questions from the participants.

Industry stated that the report does not fully reflect the content from regional workshops, and they would like a mechanism put in place to correct erroneous data. Dr. Salim replied that the report summary does not necessarily include everything, since the report must be brief, as recommended by the advisory group. Industry should look at Volume III, which reflects the regional workshops, and send any comments for corrections. These comments will be included in the appendix to the report.

The next questioner wanted to know to what extent the recommendations were directed to the WBG for implementation or to other stakeholders. Dr. Salim made it clear that recommendations were directed to the World Bank Group, but that he would like other stakeholders to actively push for implementation, and to do this in partnerships with the WBG and with other parties.

To another question, Dr. Salim responded that a list of participants from the workshop will be included, but there will be no attribution in the report of the proceedings.

On a question of the difference between recommendations that represent broad consensus or a minority viewpoint, Dr. Salim suggested that consensual issues will be followed up, and where there are issues of dissent, it will be up to the World Bank Group to determine a possible course of action.

One participant asked that if the report represents the Eminent Person's personal view, then this does not reflect a balanced perspective of stakeholders, and why has this happened. Dr. Salim clarified that his opening statement was to describe frankly his personal motivation in taking on the task, so that everyone knows where he stands; and that he takes full responsibility for the report, which he feels is an accurate reflection of all stakeholder perspectives that were revealed in the numerous submissions, either from workshops or written submissions through the Web site or from direct discussions with various stakeholders. In accordance with the terms of reference, the Eminent Person is not expected to write a consensus report.

On the question of how free and prior informed consent (FPIC) was defined by the Secretariat, Dr. Salim stated that it follows the UN definition as agreed under international law.

Regarding a concern if WBG involvement with stakeholders now ends, Dr. Salim assured everyone that the “triangle of cooperation” between industry, civil society, and government was a signal to the WBG that there has to be continuous involvement from all parties. However, it also is the obligation of all stakeholders to make the WBG feel the need to involve all stakeholders.

A final question was that the recommendation to phase out of WBG support for oil development by 2008 seems to have emerged out of thin air and not from the consultation process with stakeholders. Where did it come from? Dr. Salim responded that it is based on discussions with industry in London, plus industry’s strategy to move toward renewables, inputs from civil society and people from the Pacific Islands, and his own personal commitment to the Kyoto Protocol, which targets reduction of CO₂ emissions by 2008.

It is also important to note that the Communist Party of China in its October 2003 plenum proposed a new philosophy of development for China, based on balanced and sustainable development, in which there will be a balance between urban and rural development, between regions, between social and economic development, between humanity and nature, and between domestic and foreign economic development. In this context the concept of a “green gross domestic product” is to be developed to prevent the negative impacts on the environment. Dr. Salim stressed that it’s time to do things differently. Today there are ideas about new forms of development that will increase overall welfare by 2020, but to do so in a different way along a sustainable path.

5. Statements to Plenary

The plenum was opened for comments on the report.

Labor representatives expressed support for the recommendations in the report and wanted to confirm their solidarity with other stakeholders. There is a need to continue to struggle to find solutions and safe, productive, and humane industries for workers.

A number of voices from industry expressed some concerns about the report. Several speakers stressed that the phaseout of oil investment removes an important instrument in the toolbox to combat world poverty, and that there will be a much greater risk that better revenue management, environmental management, and transparency will not happen without WBG influence. The Chad-Cameroon pipeline was cited as an example of where oil development can lead to poverty alleviation. It was further suggested that there will be no impact on greenhouse gas emissions from pulling out. Several other individuals felt that the report does not fully reflect the views of industry and government; that the recommendations are restrictive; and that the report missed the opportunity to distill good practices and carry them forward. Another speaker commended the WBG for its good work in helping mining companies with environmental management and social development in Zambia.

Civil society was largely supportive of the report. One speaker felt that the 2008 phaseout date for funding oil projects was reasonable, and although the Chad-Cameroon pipeline project looked good on paper, it has not yet demonstrated its value. Another person stated that although the report was not perfect, it did attempt to right injustice from the long legacy of basic human rights violations. One other participant urged the World Bank Group to change its focus from promoting fossil fuels to helping developing countries change their use and management of energy. If badly managed, gas could be worse than coal.

From indigenous peoples, one speaker commented that the report suggests equity and justice, and the importance of sustainable development. He begged industry to try to implement the recommendations, otherwise history could repeat itself.

6. Working Groups

Seven working groups were formed to answer three questions: (1) What is the major message you heard from the report? (2) What parts can you support wholeheartedly? (3) What concerns you the most? The groups were asked to report back on the last two questions.

Areas of Support

Although there was no attempt to achieve consensus in the selection of elements from the report, two items received universal support: good governance and recognition of human rights. The majority of groups identified the need for transparency and good revenue management, as well as deeper participation by locals and indigenous peoples in project planning, development, and implementation. A majority also indicated that there still was a role for the WBG in extractive industries, provided that the EIR recommendations were implemented.

Just under a majority of groups identified the need for a level playing field for all actors in the sector, especially in the “triangle of cooperation” between civil society, government, and industry. The same number of groups indicated the need for improved and full implementation of WBG Safeguard Policies and that assessment mechanisms that integrate social, environmental, and economic considerations should be used to measure compliance with policy guidelines.

Other key areas identified were no involuntary resettlement; early disclosure and open access to information about projects; the adoption of core labor standards; establishing bridges to renewable energy; and mine closure pre-planning.

A series of points highlighted the importance of reform within the WBG itself, to ensure that it was achieving its goal of poverty alleviation through sustainable development, and that this should be a continuous process. Greater transparency and accountability was also needed from the WBG.

Some other points raised were the need to add value in the country of origin; “no-go” zones and technologies; better dispute resolution mechanisms; and artisanal and small-scale mining.

Areas of Concern

There was much less convergence in the expression of concerns from the working groups than there was in finding areas of support. A number of voices commented on the EIR process itself, mainly that it was not fully transparent and representative. The general report was criticized for being overly negative and polarizing, and that it would be better to separate recommendations with wide consensus from those without it. Some felt the report did not reflect all positions and interests expressed during the process. Concerns were raised about the lack of detail on implementation, although some others felt the report was too prescriptive in places.

The 2008 phaseout from oil investment received the most comment. Some felt that this recommendation created unnecessary conflict between stakeholders, that it was an unrealistic deadline, and that it conflicted with the aim of poverty alleviation and the rights of the poor to have access to energy. Coupled with this was some concern about the details for achieving a transition to renewables.

Implementation issues received some attention, especially whether or not the WBG had the political will and capacity to implement all of the recommendations and who would be responsible for monitoring. Another concern was that the cost of implementation seemed to have been ignored in the report.

Quite a few concerns were directed to the World Bank Group. Some participants felt that in order for the WBG to maintain its influence and leadership role it was important for it to remain engaged in difficult areas where governance was not strong or where there was a danger of mismanagement of extractive industries and their revenues. The WBG must also demonstrate its leadership in areas such as climate change and the transition to renewables. The limitations of the WBG were noted: it is not a world government and it can't do everything on its own. It needs partnerships with civil society, industry, and government to achieve the aims of the report, and mechanisms have to be defined that will enable positive on-going engagement. The internal conflict of interest within the WBG was of some concern: on the one hand, it has an interest in lending money to projects, and on the other hand it is obliged to implement objective and comprehensive impact assessments and to maintain stringent Safeguard Policies before projects are approved.

Many other concerns were raised, including the lack of involvement and representation of developing-country governments in the process, given their pivotal role in implementing change. Some of the remaining concerns were a mechanism for implementing free prior and informed consent; public health issues; the handling of toxic materials; resource conflicts; corporate accountability and institutional learning; support and regulation of artisanal and small-scale mining; and promoting value-adding processes.

7. Concerns and Clarifications: Part I

Dr. Salim responded to three main concerns about the report:

- The tone of the report was too negative and didn't reflect the regional workshops.
- Governance: the WBG should not be involved in extractive industries where there is not good governance.
- The WBG should phase out of coal and oil financing by 2008.

The Tone of the Report

Dr. Salim explained that the main message of the report was to tell the WBG that, in supporting extractive industries, it wasn't doing well in achieving its aims of poverty alleviation through sustainable development. The report had to be concise and frank, and in order to get the attention of the WBG President and motivate him to make changes, the good things were moved to the Annexes and the bad things were kept. For the sake of brevity, the report concentrated on the needs for improvement.

On being representative of all stakeholders, Dr. Salim felt it was important to make sure that the views of civil society were well represented, because in the past their voices were not often heard. Moreover, even though there were converging views on issues, there was divergence in the details. Because of this divergence, choices had to be made between the different perspectives. Usually, the choice was for views that made poverty alleviation through sustainable development more likely.

In response to the criticism that there were not enough examples of good practice, Dr. Salim stressed that there is a broad consensus that extractive industries are not contributing well to poverty alleviation, and this is mainly due to poor governance. The good examples are still there, however, but they are found in the Annexes.

A suggestion was made to package the report for presentation to the WBG in such a way as to acknowledge the good work that it has achieved, as this would be more motivating for WBG employees. Dr. Salim commented that communication psychology has taught us that "bad news sells better than good news." To motivate WBG employees properly, the report recommends WBG management to reward those employees who are committed to achieving poverty alleviation through sustainable development.

Governance

Dr. Salim countered that the report does not recommend the WBG to leave countries with poor governance, but that first it should invest in improving governance in those countries before investing in their extractive industries. The problem is that IFC and IBRD are not working closely together, whereas through an integrated Country Assistance Strategy (CAS) they could identify the best way for the WBG to optimize its investment in a country's development program, taking into account the Country Performance Institutional Assessment (CPIA) Report.

Some additional comments were made that some minimum criteria for governance need to be defined and that there were some specific recommendations from the regional workshops on how to deliver specific outcomes, such as how revenues should be shared and what was needed for capacity building. Also, the WBG is not working in a vacuum of information, as it usually has a CPIA report that provides a measure for the quality of governance it faces in the country.

Phaseout of Coal and Oil

Dr. Salim's response was that the WBG needs to have a sustainable energy strategy and policy and that it should adjust its investments in energy to favor renewables because that would be more in line with the WBG's aim of sustainable development. Also, poor people and poor countries are more likely to suffer the consequences of climate change. It therefore is important to internalize externalities in costing fossil fuel projects by using carbon shadow pricing analysis across the WBG. At the present time, renewables appear less attractive because of the hidden subsidies for fossil fuels. This recommendation is also in line with the Kyoto Protocol to reduce the levels of CO₂ emissions starting from 2008, which is why this year was chosen. The intention is for the WBG to use its scarce resources in the most effective way to achieve its objectives of poverty alleviation through sustainable development.

In the discussion that followed Dr. Salim's explanation, the first comment was that carbon shadow pricing only can be applied at the point where the fuel is burned, not at the point of extraction, so there could potentially be a perverse effect if it was applied otherwise. Another comment was that there is a strong economic argument for the WBG to focus on hydrocarbon resources and find an effective way to reduce emissions, as well as finding the most cost-effective solutions for renewables. One commentator noted that the use of renewables was growing in industrial countries, but not yet in developing ones.

Dr. Salim commented that the goal of the WBG is poverty alleviation through sustainable development. Asia is expected to be the next major growth area, and once an energy development path is chosen, a country is locked into it because of the high investment in infrastructure. It therefore is imperative to develop a more energy-friendly approach for developing countries in Asia and elsewhere that are in the early stages of development. As the WBG has limited funds, it is essential to shift the composition of IFC's investment portfolio from fossil-fuel-based investment, currently 94 percent, to renewable energy, currently 4 percent. As a global development bank, the WBG must lead the way for sustainable energy development.

One further comment on the 2008 pull out date was that it is based on an assumption that is extremely complex, given the rising demand for energy. Developing countries need access to cheap and reliable energy resources, and there will be a role for all forms of energy in the near future. Renewables alone will not be able to meet this demand, as current technologies are not competitive with fossil fuels. A major technological breakthrough is needed, and many companies are engaged in the search. Until it is found, the world will be dependent on oil. It therefore is not right for the WBG to withdraw at this point. There is not sufficient evidence to support this recommendation.

Dr. Salim's response was that the current price structure discriminates against renewable energy, and that the WBG should help with research and other efforts to discover better renewables. In the same way that the WBG promoted growth of extractive industries in developing countries by changing their legal and policy framework, the WBG is expected to play a similar role in promoting renewable energy within the framework of sustainable energy development.



Day Two

8. Concerns and Clarifications: Part II

The discussion on concerns extended into the second day, with a continuation of the debate for and against phasing out of investment in oil by 2008.

Phaseout of Coal and Oil

In Favor:

An indigenous person spoke about the painful experience of living in the middle of conflict and destruction, and how difficult it is for outsiders to understand their culture and reality. The issue is the rights of indigenous peoples to their culture and way of life. Consultation does not work: the reality is force and repression, and the World Bank Group is an accomplice. There must be mutual respect for other alternatives.

A labor representative did not want to speak for or against the issue; he stressed that access to energy is a fundamental human right. From the labor perspective, energy for the poor must be safe, affordable, and accessible. Many poor people are dependent on traditional energy resources to keep warm and to put food on the table. Therefore the emphasis for the WBG must be on using its limited resources to achieve energy access for the 2 billion poor people who are currently denied it.

The next speaker reminded everyone that the purpose of the WBG is to reduce poverty through sustainable development, not to improve bad extractive industries. The WBG needs to invest in other sectors, and renewables could be a good pathway. There has to be a discussion on how to finance renewables, and there must be just treatment for workers in the oil industry in the transition to renewables.

Another comment was about the concern that developing countries would be badly affected by a WBG phaseout. The reality is that this will affect northern countries by removing subsidies and stopping the export of jobs and development to the north; these industries only provide debt repayment and feed increased consumption.

Against:

The first speaker felt that the process was not creating a constructive dialogue. The recommendation appears to work against the aspirations of the WBG and the larger issues in the report. WBG withdrawal will not make a difference to industry, but it will remove the WBG from involvement in important issues, as well as its leadership in moving players away from past bad practices. The WBG would no longer have a seat at the table on issues like revenue management. The phaseout will have no impact on climate change; it will only make oil development less regulated.

The next speaker suggested that switching from coal to natural gas in some developing countries would increase costs and make the economy less competitive.

The next comment was that the full-cost explanation provided by Dr. Salim was incorrect and unsubstantiated. The WBG involvement makes a difference at the margin with small, select projects, such as with the Chad-Cameroon pipeline. Small African states will be penalized by this. It is incorrect to say the revenues are going to pay debt; in Chad-Cameroon they are earmarked for the poor through investment in health and education. This recommendation forgets the poor people who can benefit from oil extraction.

Another speaker stated that oil companies support the WBG use of carbon shadow pricing, however there's no such thing as a pure oil or gas project. The impression is incorrect that all oil projects would fail and all gas ones would pass if shadow pricing were applied. The conclusion is very untransparent in the report. The analysis should be made available, as it is needed to fully understand the assumptions and calculations.

A final statement was that developing countries benefit from the involvement of the WBG and that this should continue. The speaker felt it was unfortunate that there were not more voices from government to comment on this issue.

The Eminent Person's Response:

Dr. Salim responded by stating that he also comes from a developing country and is definitely not anti-development. Shadow pricing is based on WBG documents, and there is no attempt to hide the truth. The reason this comes up is because the WBG is supposed to be reducing poverty through sustainable development. It is not business as usual; it's a new ball game. Dr. Salim stressed that the WBG should be finding a new road to development in the twenty-first century. The climate change convention was adopted by 120 countries in 1992. The WBG should have its eyes on 2020 or 2030, where the impact of CO₂ emissions on global warming and climate change will be felt. The main victims will be developing countries in the equatorial regions, not industrial countries, and the poor will suffer more than the rich.

If developing countries want to live like the United States now does, it will take three globes to fulfill that desire. That's why the demand is for a new approach, and to use the scarce resources of the WBG to change the energy ratio in order to foster sustainable development, not to follow the development path of the first world. The key, as in Chad, is to solve the governance problem, and not just invest in extractive industries. Let developing countries find a new way of development that is more sustainable for the twenty-first century, with a correct balance between all the elements. The WBG as a global institution has a moral obligation to play a more active role in curbing the negative impact of fossil-fuel-based development and in promoting global efforts for sustainable energy development as a new pathway for poverty alleviation through sustainable development.

Additional comments:

A speaker asked the participants to listen to their own conscience on this matter. The reality in Chad is that certain benefits, such as cheap electricity and telecommunications, have not come to

people living close to the project, whereas there is a potential danger of environmental damage and health problems. Why not encourage herding and agriculture? Will extractive industries really contribute to poverty alleviation or is it just a way for industrial countries to get their money back?

A labor spokesperson remarked that this issue is too complex to agree or not agree with. The WBG does not have much credibility with the labor movement, and if it pulls out of fossil fuels it could be seen as another example of the WBG abandoning its responsibilities toward workers. The WBG should convince the United States, Australia, and Russia to sign the Kyoto Protocol.

Another comment was that in Georgia, local people benefit little from oil and gas projects. Instead, oil spills pollute rivers and villages around pipelines and railways and affect the drinking water. Corrupt governments will not do the right thing with oil investments and revenues.

A speaker from Brazil stated that it is important for the WBG to continue to participate in and give guidelines to the fossil fuel industries in his country. People don't want to be denied the use and benefits of their natural resources. Any suggestion of phasing out should be evaluated locally.

One participant applauded Dr. Salim for his leadership on redressing an outrageous imbalance, and offered to work to make sure the recommendations get through the executive board and top management of the WBG. The WBG's goal is poverty alleviation; it is not a merchant bank. The World Bank Group has to start investing in renewable energy and advanced technologies to make the world a better place.

Another speaker supported the goal of sustainable development and poverty alleviation, and called for action to achieve this.

The next comment was that the debate was getting overblown, that there's nothing in the report suggesting that countries should not exploit their resources. This recommendation is only directed at the WBG, that they should not support these projects in unstable countries. Oil-based development can only contribute to poverty alleviation when governance is strong, and countries that have strong governance do not need investments for this industry from the WBG. This recommendation only prevents the WBG from investing in places where it shouldn't.

A final commentator was impressed by the plea for a new development model, but felt there was a need to build a bridge between today and the future. He suggested that the UN provides the framework and mechanism for this, in Clause 15 on sustainable consumption from the Johannesburg 2002 plan for implementation. The EIR report should be interpreted against Clause 15, to see if it is going in the same direction or not.

9. World Bank Group Response

The Director of the WBG's Oil, Gas, Mining, and Chemicals Department thanked the Eminent Person for facilitating dialogue and then explained that the intention of the EIR process was to help the WBG learn how to do things better. He felt that good things had come out of the process.

Apart from the external EIR, there were two sets of internal reviews, one by the Compliance Adviser/Ombudsman and the other by the Operations Evaluation Department. Overall, the results of the internal reviews showed that extractive industry projects were performing largely above average and were complying well with the safeguards. There was room for improvement, but most activities were in line with activities in other sectors.

The Director did not comment on all of the many recommendations in the EIR report, but he did select four points. The first was that they needed to listen better, to include local people and affected communities during all phases, and to improve communications. Second, they needed to pay better attention to governance, and last week they signed on to the Extractive Industry Transparency Initiative (EITI). Third, they have to improve their Safeguard Policies, and they have an internal review that is updating and simplifying these in order to make them broader and more user-friendly. Fourth, they intend to go further with incorporating human rights and hope to make an announcement on this by the end of the process. They do subscribe to "free prior informed consent" but have to understand better how to make it operational.

The Director was happy to see broad agreement on the report and is concerned not to lose sight of this over other differences. The WBG always works in partnership, and one example is its agreement to work with Transparency International on issues of common interest. The WBG is committed to the ongoing process of concern over extractive industry investments. On reflection, it is clear that there is little trust in the WBG and in governments. Governments are the WBG's shareholders and have an important role in the collective interest of the WBG; it therefore is important to develop a more trusting relationship in the triangle between civil society, business, and government.

In concluding, the Director mentioned that the WBG is not all-powerful, however some people would like the WBG to use its convening power to take a strong stand on issues. The WBG is owned by its member countries and if they want to get out of coal and oil, they will take that decision. The WBG supports Kyoto and will work within it. The Oil, Gas, Mining and Chemicals Department is committed to getting a management response on the report within three months, which together with Dr. Salim's response will be sent to the Board. Beforehand, there will be some initiatives to test and get feedback on what is being proposed and to discuss how to carry the process forward.

Comments:

The first comment was that the EITI is only a framework for discussion, and it would be better to see a commitment to implement revenue management as part of a vigorous and comprehensive action across all of the WBG. There are lots of other mechanisms outside of the WBG that can

be acted upon as well. Industrial countries and industry can also act, so don't just leave it to the WBG and developing countries to take action.

The next speaker expressed concern over the small number of government representatives in attendance. This was followed by a comment on corporate social responsibility and the double standard practiced by industry in Papua New Guinea, where wastes are being dumped into the rivers and ocean. It is unlikely that these same practices would be allowed in the home countries of these companies. The report should promote better corporate social responsibility.

The next statement was in support of local community involvement in development. Human rights, as well as environment and gender issues, are at the foundation of all projects. Civil society needs to push the WBG to observe the rules it has helped set up, such as those regarding "free prior informed consent."

Another speaker highlighted the importance of the recommendations for artisanal and small-scale mining. She felt the time had come for action and for finance to support the recommendations, and that everyone from the North who is concerned with poverty alleviation should take a stand and act to support small-scale mining in developing countries.

Response from WBG:

EITI does have an action plan, which is to work on a pilot basis with some countries. This is just a beginning, and major countries are interested in participating. The WBG representative agreed with working on multiple fronts; he shared the concerns about double standards and would like to hear more about corporate governance. The reason for taking part in this process is to learn and improve. There have been a lot of improvement over the previous 10 years, with the addition of impact assessments, human rights, the environment, and women's issues to their agenda.

The representative assured the participants that the WBG will continue to pay attention to these issues and intends to keep moving forward in a balanced, practical, and efficient way. On "free prior informed consent," the indigenous peoples policy is under review, and greater definition of the issue is expected as a result of that process. The message about artisanal and small-scale mining is clear, and the WBG has already started supporting it.

Comments:

A government representative commented that extractive industry projects are often the most problematic, especially where governance conditions are inadequate. The private sector can move at a faster pace than government. How to sequence these to get better results?

Another speaker felt that the mining project in Kyrgyzstan was not a good example, given the record of accidents, one of which poisoned 800 people.

Response from WBG:

Sequencing needs to be given careful thought and will be included in the final response to the report. The WBG is needed where conditions are difficult. Financial involvement can bring more leverage to a situation than technical assistance alone. The Chad-Cameroon project would not have happened without the WBG's financial involvement. Big projects are the exception:

typically, the WBG gets involved with local and regional players in smaller projects to demonstrate impact, most often with local companies.

The involvement in Kyrgyzstan would be very different today; there would be much greater participation from the community, as well as application of more comprehensive safeguards. However, the WBG was able to raise the level of governance through its investment there.

Comments:

A participant from Peru maintained that the WBG has increased the indebtedness of the country through its interventions in the mining sector, and the poor have not benefited. Very few jobs have been generated, and salaries and tax revenues are very low. It would be better to support agriculture, as it contributes much more to the GDP.

A participant from part of the former Soviet Union commented that the investments made by the WBG were stolen by the government; 130 mines were shut down and there were large strikes by protesting miners. In the aftermath, 3,000 illegal mines were created that employed thousands of slave labor workers, including women and children. The government is totalitarian and corrupt, but the WBG continues to negotiate only with the government and not with the trade unions, which represent the people most affected.

Response from WBG:

In Peru, the country benefits much more than only from taxes. The WBG has had a difficult time trying to improve relations with civil society, but today the CAS is the basis for consultation. Mining companies now see the value of training and employing local people. In the Ukraine, the WBG has learned to be more inclusive of unions and NGOs.

Another WBG spokesperson commented further on the situation in the former Soviet Union. In Russia, the WBG funded wage arrears of workers leaving failing industries. In the Ukraine, where the economy has essentially collapsed and there are high levels of corruption, the WBG has not been able to do much. In Poland and Romania, the WBG was able to help reduce levels of employment in the coal industry and facilitate re-employment of workers in other industries.

Comments:

An industry spokesperson stated that in Peru 77,000 mining workers pay taxes. In South Africa, 10 percent of the labor force is employed in mining. In Venezuela, 99 percent of mine workers are locals.

Another participant stated that he recently chaired a task force on renewable energy that made 19 recommendations, with the prospect of bringing renewable energy to 1 billion people.

10. Working Groups

Working groups were convened around five topics: sustainable energy, access to information, governance, human rights accountability, and artisanal and small-scale mining. Industry

participants were largely absent for most of this group work because of a meeting with the Eminent Person.

Sustainable Energy

The sustainable energy group focused on how to increase renewable energy use and the targets recommended in the report. The group recommended that because the WBG can only help facilitate target setting within nations, it should provide an enabling environment and incentives for meeting the targets. The sustainable energy focus should cut across all WBG programs, and there should be a unit in the WBG that specializes in renewable energy. Research will be needed on sustainable and renewable technologies, but it must be appropriate for each country: for example, biogas in Thailand, geothermal in India, hydro in Kazakhstan, and solar panels in Mongolia.

The WBG can facilitate inter-state and inter-regional projects in renewable resources, and should help set up pilot projects for demonstration. It can also provide a level of security for investors and can partner with industry associations in transferring technologies from large companies to developing countries. WBG projects should be screened for potential to achieve efficient energy use and to ensure they comply with standards set by the WBG.

Transparency and Disclosure

The group working on transparency and disclosure came up with recommendations on information disclosure and access to grievance mechanisms. The first recommendation was regarding the WBG's disclosure policy, which is currently under review and revision. This recommendation should apply to all branches of the WBG and should be integrated into the current revision of the policy. The second major recommendation was regarding making culturally appropriate grievance mechanisms available.

Recommendation 1: Revise and broaden the disclosure policy

- (1) Need public scoping phase for impact assessments – guidelines on this are needed for the WBG.
- (2) IFC and MIGA should make public any early approaches from project sponsors and should alert communities and other concerned parties.
- (3) IFC should require project sponsors to make contact with local multistakeholder groups at the earliest possible stage in order to communicate details of the project and its scope.
- (4) Any mechanisms for information and communication at the local level must be acceptable to local stakeholders.

(5) Any baseline studies on health, social, and environmental issues should be made available at the earliest possible stage.

(6) Require selection of “independent” advisers to help affected communities understand, negotiate, and work with projects; the same holds for governments in the case of Structural Adjustment Loans or project proposals.

(7) Local stakeholders should be able to express informed opinions on disclosure policy revisions through legitimate consultation processes and should have access to relevant documents and information.

(8) Publish and make locally available independent monitoring and audits of consultations, implementation, and project outcomes; avoid duplicating this if already done by others.

Recommendation 2: Ensure availability of agreed local dispute resolution mechanism for projects.

IFC and MIGA, at project initiation, should require that a process is established, agreed to by the parties involved, to identify expected positive development outcomes and should establish indicators to measure their achievement throughout project implementation. The local grievance mechanism should be included in IFC and MIGA guidelines for the first stage of a project, and should be incorporated into the current IFC and MIGA safeguard policy revision process.

Governance

The working group on governance identified five action points.

(1) Establish an independent organization, led by civil society, to facilitate adequate communication and participation of all stakeholders regarding potential and established WBG projects.

(2) Conduct and make public independent and integrated environmental and social impact assessments, audits, and monitoring for all WBG activities.

(3) Require companies to disclose payments made to governments on all WBG-funded projects.

(4) EIR stakeholders to conduct independent and periodic reviews of WBG implementation of EIR recommendations.

(5) Identify and execute pilot projects with governments and companies willing to apply EIR criteria for good governance, and report back on lessons learned.

WBG Accountability, Human Rights, Indigenous Peoples, and FPIC

The accountability group reported on five main actions.

- (1) The WBG should implement EIR recommendations on human rights by establishing a human rights unit; conducting human rights training, including WBG staff; making human rights central to WBG policies and operations; incorporate human rights into safeguard policies; taking a General Council opinion on the status of human rights in WBG programs; assisting countries to adopt human rights in national legislation; and working with human rights organizations on all of these items.
- (2) Further develop rights and risks framework in assessing WBG interventions.
- (3) Vigorously pursue adoption of OP4.10 on indigenous peoples with their full participation, in order to address outstanding issues on an adequate Safeguard Policy.
- (4) Accept the principle of “free prior and informed consent” and work in partnership with appropriate UN bodies and other partners to elaborate its implementation.
- (5) Partner with ILO, unions, and other organizations to implement ILO Core Labour Standards in WBG programs and safeguards.

Artisanal and Small-Scale Mining

The ASM group felt that the EIR report covered the topic well and that it gave clear recognition to the importance of the artisanal and small-scale mining sector and the need to legalize and regulate it. The WBG’s role should not be direct capacity building but encouraging government ownership through the Country Assistance Strategy, the Poverty Reduction Strategy Papers, and other national strategy instruments. The WBG should help countries develop national policies for ASM that would include priority rights for community-based miners over itinerant miners. Special attention should be paid to child labor and women’s rights. Given that ASM addresses all of the Millennium Development Goals, the WBG should establish a properly resourced, specialized unit and improve its internal capacity by building on its experience with Communities and Small-Scale Mining initiative. IBRD can look at strategies to improve economic returns, to address the legal status, and to improve access to markets for small-scale miners.

The WBG could also provide financing for the sector, support pilot projects through micro-financing, and help in establishing alternative livelihoods. The group felt that ASM offers the greatest potential to make the biggest impact on poverty reduction and sustainable development, but because of the enormous demand for technical assistance, the WBG needs to look at the sector strategically and identify the big levers to pull. Partnerships are essential with other agencies, governments, businesses, and civil society groups, as well as with regional initiatives such as the New Partnership for Africa’s Development. Harmonization of approaches is also important. Government-to-government exchange visits can help accelerate learning about

effective ways to govern the sector, but the essential heterogeneity of ASM should be taken into account.

Responses to Group Work

One participant noted that ASM can have negative impacts on indigenous peoples. Another speaker recommended that cultural impact studies should be added to the impact assessment package, but that it be separate from the social impact assessment. The next comment was that the impact studies have to happen at the very beginning of the project.

One of the participants emphasized that the recommendations on governance are very important and should be included in the CAS; also that the WBG should exercise equality and cultural sensitivity in choosing who to provide funds to and that there should be broad participation in processes involving revision of mining policies.

A member of the working group on transparency and disclosure mentioned that the recommendations in the report are good but there was not enough time to discuss how to implement them properly. A final comment was that indicators of success and performance should also be applied to how well the recommendations of the report are implemented.



Day Three

11. Address of Eminent Person

On the last day of the workshop, Dr. Salim emphasized that today would determine if the report is a success or a failure. Although the content of the report is the responsibility of the Eminent Person, it needs the support of everyone to send a positive signal to the WBG. Dr. Salim pointed out that industry is not happy with the recommendation to phase out coal and oil by 2008. They interpret this as not having a social license to operate, whereas the intention is to get the WBG to change the balance in its investment portfolio so that it is more directed toward achieving poverty alleviation and sustainable development. The intention is not to kill the coal and oil industries or to withdraw their social license to operate, but rather to help advance the agenda for renewables, as this is linked to the reduction of greenhouse gases. Only an influential development agency like the World Bank Group can make this happen.

The role of industrial countries is to provide the money to developing countries so they can achieve sustainable energy through the use of renewables. Industry is already on this track, and so is the Communist Party of China. The whole world wants to move in this direction, and the leadership of the WBG is needed to help bring this about.

Dr. Salim emphasized that he doesn't expect the EIR report to be fully accepted by everyone, but he does want everyone to work on the areas where there is agreement in order to bring about change in the World Bank Group. To achieve this he would like everyone to work together and fight for the recommendations in the report.

12. Plenary Discussion

The participants chose to work in plenary instead of returning to their working groups because the feeling was that it was important to hear what each person had to say in order to move forward and build coalitions. A question was posed to help focus the discussions: "How to participate in implementation of recommendations through partnerships?"

The Director of the World Bank's Oil, Gas, Mining, and Chemicals Department led off with some comments. He pointed out that there is a lack of consensus on several issues: sequencing, free prior informed consent, and fossil fuels. The Safeguard Policies are currently under review, and there should be a full response from the WBG on the EIR report in a relatively short order. Sequencing is a complex issue that they think about all the time. The Director would also like to hear more about fossil fuels and the link with Kyoto.

A representative from government described a new initiative to form a voluntary partnership of national sovereign governments. The purpose is to provide for a global dialogue to address sustainable development issues relevant to the mining, minerals, and metals sector—for example, how governments can create the conditions to make extractive industries beneficial to local communities, how to improve the contribution of small-scale mining, and how to enhance the capacity of governments to manage their natural resource wealth more effectively. The WBG attended the preparatory meeting as an observer.

Governance

A discussion on governance began with the comment that there are two organizations working on clean government: Transparency International, which is devoted to rooting out corruption, and the EITI, which is focused on clean revenue streams. Industry supports both of these, and wants a predictable framework to work in. The second speaker supported this and suggested that the next step is look at the disbursement of funds by government. He also suggested forming a coalition at project level in countries that have poor governance, to work on a pilot basis to move things forward.

The next speaker emphasized that revenue management is the key and that the initiatives mentioned are good, but that surpluses are difficult for governments to manage. However, corporations are very good at this and have developed a range of tools to manage fluctuating revenue streams. Perhaps experience from the private sector could be used to help governments manage their revenues better.

A participant from Africa mentioned that the WBG had been involved for a long time in the mining sector in the region, but that there had been little progress because there had been insufficient investment in capacity building. A participant from South America stated that the government is untransparent and therefore it was the responsibility of industry to make sure that benefits went to local communities. To bring about change in governance would require a long-term investment in educating schoolchildren about democracy.

In Peru, they have a mining dialogue group started by Canada's International Development Research Centre that involves NGOs, companies, and government. This group has agreed on fundamental issues of governance, such as revenue distribution to local communities. Through group lobbying, this is now supported by legislation.

A labor spokesperson requested that WBG draw on the work of ILO on artisanal and small-scale mining and on mine closure, and not reinvent the wheel. Another speaker urged the WBG not to invest in the oil sector in countries with high corruption. It should first make sure that capacity building works.

The next comment was that indigenous peoples live on lands that are rich in resources. In some countries most of the government's revenues come from resource industries, and indigenous peoples do not want to stop that. However, there needs to be a reliable tool for negotiating between all parties and for implementing policies at national and local levels.

A final comment was for the WBG to take part in UN processes on human rights and indigenous peoples.

Transparency

The first speaker on transparency recommended supporting Dr. Salim and the EIR report. The speaker plans to rewrite a recent report on a mine in Mali in order to incorporate some of the recommendations from the EIR. Another recommendation was that where the WBG is involved in mining code revisions, it should incorporate recommendations from the EIR in the revised codes.

A request was made to companies and governments to take up the recommendations on information disclosure. The WBG should incorporate these recommendations in their policies and make sure all projects contain those elements. In response, an industry representative said that industry was in agreement with the proposal, and added that at the project planning stage, simple and meaningful indicators should be identified, such as quality of water and numbers of children educated, that could be tracked throughout the life of the project.

Another suggestion was to establish a pilot project involving all stakeholder groups that would test the recommendations in the report. Different approaches could be tried out and evaluated.

An indigenous representative commented that indigenous peoples have their own networks for communication, and they have their own processes and time frames for reviewing information. Indigenous peoples have specific information interests and needs; project information has to be presented so that it is understandable and meaningful to them. A comment was made that companies in Papua New Guinea are not being transparent about reporting on submarine tailings disposal, and there is no independent monitoring group.

A representative from industry mentioned that “triple bottom line” reporting, incorporating social, environment, and financial information, is the norm with good corporations. The WBG tends to pull good companies into projects, and this is less likely to happen if it withdraws from a sector. Someone from the International Council on Mining and Metals mentioned its involvement in the Global Reporting Initiative, which is another multistakeholder group working on transparency of information.

The final recommendation was to incorporate the use of social and environmental impact assessments in structural adjustment loans, because appropriate policy and institutional reform has the potential to lead to long-lasting poverty alleviation. Some funding has been received to develop a set of guidelines on this for the WBG.

World Bank Group Accountability

The first comment on accountability was that although a follow-up meeting on the EIR is suggested for 2005, it would be good to identify some interim steps. This suggestion was welcomed by the WBG spokesperson, who would like to see a process to deal with the WBG response and the Eminent Person's comments.

The WBG was asked to publish a twice-yearly report on how they are implementing the EIR recommendations.

Another speaker urged everyone to rally around Dr. Salim to ensure that the WBG management adopts the recommendations. This was followed by a series of speakers from all sectors endorsing the report and pledging their individual support to carry the initiative forward.

13. Closing

Dr. Salim expressed his gratitude for the solid support from everyone. He expected that it would help strengthen his position with the WBG, and he made it clear that stakeholder support is necessary to make it possible for the WBG and the “triangle of partnership” – government, business, and civil society – to follow up the report with action. He reiterated his message that the WBG must change so that it becomes become an agency that really is committed to achieving poverty alleviation through sustainable development, and doesn't just talk about it.

Dr. Salim thanked his Advisory Group, which he felt was strong, supportive, and represented the full range of perspectives. In making his decision about what to support in the report in order to alleviate poverty through sustainable development, he decided to support those who are weak and vulnerable and to empower them in order to obtain an equal level playing field with those who already are strong. His great hope is that the World Bank Group will change its course and that it will implement the recommendations so that extractive industries can become a powerful engine for poverty alleviation and sustainable development.

In closing, Dr. Salim thanked all of the participants and the members of the Secretariat team. The meeting ended with a prayer led by a representative of indigenous peoples.



EIR Implementation Workshop
December 11-13, 2003
Lisbon, Portugal

Purpose of the workshop:

- To discuss the content of the Report with special emphasis on its recommendations;
- To explore its follow-up and possible partnership arrangements between various interested stakeholders.

Wednesday, December 10th

Welcoming Cocktail and Dinner for all participants starting at 19:00 hours in the Lobby Area in front of the Beatriz Costa Restaurant

Thursday, December 11, 2003

8:30 – 10:30

- Registration
- Welcome, desired outcomes for the project and workshop, Dr. Emil Salim
- Introductions and introductory exercise
- The EIR preparation process and overview of the recommendations – presentation, Q&A

10:30 – 11:00 Coffee Break

11:45

- Reactions and discussion

1:00 – 2:00 Lunch

2:30 – 5:30

- Reactions and discussion
- Feedback on the day and preview of tomorrow's agenda

7:00 Cocktails

8:00 Dinner

Friday, December 12, 2003

9:00 – 10:30

- Summary of major messages from yesterday, and overview of today's agenda – Dr. Emil Salim
- Dialogue on issues raised on Thursday, with Dr. Salim and EIR project team.

10:30 – 11:00 Coffee Break

- The Way Forward – brainstorm actions for implementation, prioritize, recommend initial steps of implementation plans

1:00 – 2:00 Lunch

2:00 – 6:00

- The Way Forward – (continued) – plenary
- Feedback on the day and preview of tomorrow's agenda

7:00 Cocktails

8:00 Dinner

Saturday, 13 December, 2003

9:00 – 10:30

- Summary of major messages from yesterday, and overview of today's agenda – Dr. Emil Salim
- Detailed action items and coalition building for going forward

10:30 – 11:00 Coffee Break

11:00 – 1:00

- Summary of the major messages heard during the workshop and next steps for the EIR project and document

1:00 Lunch Hosted by Dr. Salim

All meetings will be held at the Tivoli Room (plenary sessions), lunches and dinners will be served at the Beatriz Costa Restaurant, and coffee breaks in front of the Tivoli Room.



EIR FINAL WORKSHOP PARTICIPANTS

Lisbon, Portugal, 11- 13 December 2003

Thomas Akabzaa, Third World Network, Africa

Saara Alakorva, Saami Association, Finland

Jassim Abdulla J. Al-Malki, Ministry Of Energy and Industry, State of Qatar

Ron Anderson, Chief Environmental Specialist, IFC

Clive Armstrong, Oil, Gas and Mining Departments, IFC

Peter Bakvis, Washington Office, ICFTU/Global Unions

Fritz Balkau, Production and Consumption Branch, UNEP DTIE

Graham Baxter, Corporate Responsibility Communication & External Affairs, BP

Kumar Das Benoyendra, Indian National Mineworkers' Federation

Julia Birch, Australian Business Council for Sustainable Energy

Kevin Bortz, Natural Resources Department, EBRD

Peugonba Garka Boukinebe, L'union des Syndicats du Tchad and La commission Permanente Petrole de Ndjamen, Chad

Janneke Bruil, Friends of the Earth International

Marielle J. Canter, Center for Environmental Leadership in Business, Conservation International

Joji Carino, European Office, Tebtebba Foundation

Antonio Carrara, Federacao Unica dos Petroleiros (Oil Workers Federation)

Patricio Cartagena, CAMMA (Mines Ministries of the Americas) and Chilean Copper Commission

Aidan J. Davy, Office of the Compliance Advisor/Ombudsman

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Gino Govender, International Federation of Chemical, Energy, Mine and General Workers' Union

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Francis Grant-Suttie, Endangered Spaces Program, WWF

John Groom, Safety, Health and Environment, Anglo American plc

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Gilbert Maoundonodji, Groupe de Rechercher Alternatives et de Monitoring du Projet Pétrole Tchad-
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Paul Mitchell, International Council on Mining and Metals
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Diarmid O'Sullivan, Oil Campaign, Global Witness
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Miguel Palacin Quispe, CONACAMI, Peru
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Corrie Shanahan, Corporate Relations, IFC
Peter Sinkamba, Citizens for a Better Environment, Zambia
Gerard Steeghs, Netherlands Ministry of Foreign Affairs
John Strongman, Oil, Gas, and Mining Department, World Bank
Rodion Sulyandziga, Russian Indigenous Training Centre, RAIPON
Baoliang Sun, Ministry of Land and Resources, China
Henry Tito Vargas, CEADES, Bolivia
Santiago Torres, CODELCO, Chile
Somit Varma, Oil and Gas Division, IFC
Chander Mohan Vasudev, Executive Director for India, Bhutan, Sri Lanka, and Bangladesh and
Chairman of CODE, World Bank
Alex Vines, Business and Human Rights Program, Human Rights Watch
Mykhailo Volynets, Free Trade Union Confederation of Ukraine
Knud Voecking, Urgewald
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Facilitators:

Matt Minahan, Vanessa Andris, and Ridwan Blond

Stakeholder Submissions to Final Workshop and Comments and Responses Following the Workshop

Australian Business Council for Sustainable Energy

Business Councils for Sustainable Energy

CEADES, Bolivia (Spanish, followed by English)

Chad Delegation to Lisbon Workshop (French, followed by English)

Chilean Copper Commission (Spanish, followed by English)

Chinese Government, Ministry of Land and Resources

CONACAMI Peru—Comments on the Final Report (Spanish, followed by English)

CONACAMI Peru—Basis of Free, Prior Informed Consent (Spanish, followed by
English)

European NGOs

International Council on Mining & Metals—letter to Emil Salim

International Council on Mining & Metals—Comments on Executive Summary

International Council on Mining & Metals—Comments on Final Report

Matilda Koma and Jacklynne Membup

Konkola Copper Mines, Zambia

Labor groups

National Society of Mining, Petroleum and Energy of Peru

Oil Industry Representatives

Publish What You Pay

Sociedad Dominicana de Geologica (Spanish, followed by English)

U.K. Government, Department for International Development

U.S. Government, Department of the Treasury

World Coal Institute

Carlos Zorilla