

Board of Directors
World Bank
1818 H Street NW
Washington, DC 20433

July 19, 2016

Dear Members of the World Bank Group Board of Directors,

We, the undersigned, represent diverse civil society from across 20 of the World Bank Group's client countries. We support the World Bank Group's stated goals of ending extreme poverty and promoting shared prosperity through development.

We have seen first-hand the benefits that development can bring to our countries and communities. However, we have also seen first-hand the danger that development can pose to the environment and to communities. For example, a 2015 investigation by the International Consortium of Investigative Journalists found that there are likely 3.4 million people who have been physically and/or economically displaced by World Bank-financed projects alone over the last decade.¹

The World Bank and other international financial institutions have put in place environmental and social Safeguard policies that are meant to ensure that the development projects they fund do not cause harm to people and the planet. While these policies are not perfect, and proper implementation remains an issue, they provide a baseline to which IFIs can be held to account by impacted people.

Increasingly, and in particular during the ongoing review of the World Bank's Safeguard policies, our governments have made claims that these Safeguard policies are too costly and time-consuming to implement; inefficient when national systems could more quickly and easily be applied; and undermine national authority and sovereignty by putting harsh conditions on Bank lending.² To address these concerns, our representatives at the Bank have asked that the new Safeguards be made more flexible, which would weaken the protections for the environment and human rights of people and communities who may face impacts as a result of Bank-financed projects. Increased flexibility for when and how borrowing governments should comply with Safeguards dilutes protections for vulnerable groups and the environment, and decreases

¹ Evicted and Abandoned: The World Bank's Broken Promise to the Poor, International Consortium of Investigative Journalists, 16 April 2015. Available from <https://www.icij.org/project/world-bank>

² Brief of statement made by Mr. Subhash Chandra Garg, Executive Director for Bangladesh, Bhutan, India and Sri Lanka, at the Committee on Development Effectiveness on 24 June and 1 July, 2015 on ESF, World Bank. Available from http://consultations.worldbank.org/Data/hub/files/consultation-template/review-and-update-world-bank-safeguard-policies/en/materials/final_statement_by_ed_subhash_garg_eds12_on_esf.pdf

accountability and recourse in situations where the Safeguards fail and negative impacts do occur.

We do not share our governments' and our representatives on the World Bank Board of Directors' view that Safeguards are too costly, inefficient, and undermine national authority. Our position was very clear during the lengthy consultation process that was conducted across many of the Bank's borrowing countries, but clearly never taken into account by Bank management. We are concerned that the voices of stakeholders from these countries that have asked for strong binding protections will be canceled out by the leverage held by the Bank's client governments which have demanded greater flexibility. We firmly believe that strong Safeguards are essential to ensuring successful, fair and sustainable development outcomes, and that increasing flexibility in these requirements will only weaken their protections. The Safeguards must include clear, predictable, specific, and mandatory protections for the environment, human rights, workers, and people and groups in situations of vulnerability.

In late 2014, 28 United Nations special procedures mandate holders addressed an analysis of the July 2014 draft framework to the World Bank. In that communication, the special procedures stated that “[a]s an international organization with international legal personality, and as a UN specialized agency, the Bank is bound by obligations stemming not only from its Articles of Agreement, but also from human rights obligations arising under ‘general rules of international law’ and the UN Charter. Moreover, each of the 188 Member States of the World Bank has ratified at least one (and, in almost all cases, several) of the core international human rights treaties.”³

Below we outline our alternative answers to several claims that have been made by representatives of our governments:

Claim #1 - Safeguards are too costly: Safeguards should not be viewed as an additional or separate cost, but rather as an integral component of each investment that contributes to its positive development outcomes. In fact, planning for and upholding strong environmental and social standards from the initial phases of a project can reduce future costs by avoiding impacts and the costly mitigation measures that they would entail. In addition, incorporating strong measures to engage and consult with stakeholders from the beginning decreases costs incurred due to community dissent and increases ownership and sustainability of the project.⁴ The IEG's

³ Letter from 28 special procedures mandate holders to the President of the World Bank, 12 December 2014. Available from www.ohchr.org/Documents/Issues/EPoverty/WorldBank.pdf.

⁴ Adamson, Rebecca. Indigenous Rights: A Case Study in Bottom Up Social Metrics, Green Money Journal, August 2015. Available from <http://www.greenmoneyjournal.com/august-2015/rights/>

2010 evaluation of the Safeguard policies also determined that their benefits greatly outweighed the incremental costs, especially for environmental safeguards.⁵

Claim #2 – Safeguards are inefficient: As an international lender, the Bank works with governments worldwide, all of which have different national laws, requirements, and standards but who also continue to be bound by their own international human rights obligations. Safeguards guarantee that World Bank-supported projects all adhere to the same high standards in terms of identifying and mitigating environmental and social risks, and ensure that communities have recourse beyond their national systems if they face negative impacts. Safeguards are not an inefficient duplication of national requirements but rather hold Bank-funded projects to appropriate international standards.

Claim #3 – Safeguards undermine national authority: Similarly, the World Bank, as an international lender, provides financing to projects provided they meet its environmental and social standards. As taxpayers who will ultimately pay for the cost of these projects, we do not see these standards as inappropriate conditions placed on a loan, but rather as a positive requirement that development projects financed by the Bank will uphold best international practices when it comes to environmental and social Safeguards, and therefore an assurance that outcomes will be of high quality and value.

We are the ultimate beneficiaries of World Bank-financed projects, but our communities and our natural resources are also at most risk of facing negative impacts as a result of these projects. Therefore, we request that our representatives on the Board of Executive Directors of the World Bank take into consideration our asks that the new World Bank Safeguards retain the specificity and stringency that will ensure accountability and allow affected people to seek proper recourse.

Respectfully,

Fundación para el Desarrollo de Políticas Sustentables (FUNDEPS)	Argentina
Fundación Ambiente y Recursos Naturales (FARN)	Argentina
Equitable Cambodia	Cambodia
Public Interest Law Center	Chad
Chile Transparente	Chile
Senderismo y Naturaleza Concepción	Chile
Red Jurídica Amazónica - RAMA Colombia	Colombia
Ambiente y Sociedad	Colombia
Federación Ecologista (FECON)	Costa Rica
10 Tooba Applied Research on the Built Environment	Egypt

⁵ Safeguards and Sustainability Policies in a Changing World: An Independent Evaluation of World Bank Group Experience, World Bank, 2010. Available from http://siteresources.worldbank.org/EXTSAFANDSUS/Resources/Safeguards_eval.pdf

Egyptian Association for Collective Rights	Egypt
Egyptian Center for Civil and Legislative Reform	Egypt
Egyptian Center for Economic and Social Rights	Egypt
Egyptian Initiative for Personal Rights	Egypt
Forum of Dialogue and Partnership for Development	Egypt
Institute of Zoology, Ilia Satate University	Georgia
OFRANEH	Honduras
Aksi! for gender, social and ecological justice	Indonesia
Abnaa Al-Nazeheen Organization in Missan	Iraq
Al-Inbithaq Association for Development and Economic Development	Iraq
Al-Noor Universal Foundation	Iraq
Association for the Defense of Press Freedom	Iraq
Opinion Coalition	Iraq
Women and Children's Affairs Organization	Iraq
Jamaa Resource Initiatives	Kenya
Fundar, Centro de Análisis e Investigación	Mexico
Oyu Tolgoi Watch	Mongolia
Centro de los Derechos del Campesino	Nicaragua
African Law Foundation (AFRILAW)	Nigeria
Foundation For The Conservation Of The Earth (FOCONE)	Nigeria
Women Environment And Development Network (WEDEN)	Nigeria
Centre For Socio Economic Development (CSED)	Nigeria
Niger Delta Development Initiative (NDDI)	Nigeria
Foundation For Environmental Rights, Advocacy & Development (FENRAD)	Nigeria
Alianza para la Conservación y el Desarrollo (ACD)	Panama
Derecho, Ambiente y Recursos Naturales (DAR)	Peru
Ecological chentr Ykutia	Russia
Rivers without Boundaries International Coalition	Russia
Friends of the Siberian Forests	Russia
Greenpeace russia	Russia
Association of journalists-environmentalists	Russia
Plotina.Net!	Russia
Centre for Support of Indigenous Peoples of the North (CSIPN)	Russia
Taiga Research and Protection Agency	Russia
Biodiversity Conservation Center	Russia
Center for Russian Enviromental Policy	Russia
Tunisian Association for Governance and Social Accountability (GOACT)	Tunisia
Tunisian Association for Law Development (ATDD)	Tunisia
Tunisian Association for Transparency in Energy and Mines (ATTEM)	Tunisia
Association Tunisienne des Contrôleurs Publics	Tunisia