



Human Rights Defenders and Private Sector Development Activities: Trends and Challenges

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INTRODUCTION

In the past, development finance was largely the purview of the public sector. Today, however, private sector business activities and public development finance are increasingly interconnected and intertwined. The involvement of private sector actors in development activities raises unique challenges and implications for human rights defenders. On the one hand, partnerships between development finance institutions and businesses can provide closer scrutiny of projects, greater transparency, and higher standards of accountability than a purely private investment. On the other hand, development financiers can drive investment and deregulation in certain sectors or countries, and their increasing devolution of responsibility to the private sector can result in more opaque investments with more decentralized mechanisms of responsibility, and greater risk for defenders.

Attacks against defenders in the context of development activities can take many forms.¹ In some cases, individuals or groups who speak up are labeled as anti-development or subjected to public smear campaigns. They may be brought up on false charges, receive threats or be subjected to illegal surveillance or blackmail. Non-governmental organizations may be threatened with loss of funding or deregistration, or have their members banned from travel. Protests may be violently repressed. Leaders may be targets of unlawful detention, sexual violence and other violent attacks, enforced disappearance, and killings. The attacks may come from government officials, companies, private security forces, or third parties.²

In recent years, several trends in the development finance landscape have emerged in relation to private sector investment, creating a complex and challenging environment for human rights defenders.

CURRENT TRENDS IN DEVELOPMENT, BUSINESS, AND HUMAN RIGHTS

Weakening of Domestic Investment Standards and De-Regulation

One of the primary ways that public financial institutions facilitate private sector investment is by promoting a favorable legal and regulatory environment for business. While the conditionalities and structural adjustment policies imposed by international financial institutions (IFIs) in the 1980s and 1990s have fallen out of favor, many financial institutions continue to promote neoliberal macroeconomic reforms through technical assistance and policy loans.

Many of these reforms put defenders at greater risk. For instance, the World Bank's flagship 'Doing Business' report ranks countries based on the extent to which they promote an enabling environment for private investment. The ranking has been criticized for penalizing countries that introduce and apply important social regulations, such as labour or land rights protections.³ In its 13 years of existence, 'Doing Business' has spurred 2,600 different regulatory reforms geared toward improving the environment for private enterprise.⁴ These types of regulatory reforms are often the subject of public protests and resultant repression by governments.

In recent years, with and without the technical assistance of development financiers, many countries have weakened critical social and environmental protections that serve both as important checks on corporate conduct as well as risk prevention measures for defenders. The South African government's 2010 Infrastructure Development Act facilitated priority infrastructure projects by eliminating standard procedural requirements, including those relating to social and environmental assessment and public consultation.⁵ Indonesia's 2015 amendment to the Land Acquisition for Development Law gave private companies new powers to finance land acquisition, greatly increasing the potential for land grabbing.⁶ The Brazilian Congress has been considering a slew of measures that would roll back conservation requirements and indigenous rights protections.⁷ Many countries, like Brazil, are also reducing funding for government entities that monitor defender attacks and resolve conflicts between investors and local communities.

At the same time as countries are weakening their regulations, development financiers are increasingly waving their social and environmental safeguard policies and instead pegging investments solely on their public or private sector clients' social and environmental standards and management systems.⁸ For the most part, the processes and benchmarks in place for assessing these country and corporate systems do not include critical concerns for defender security, such as the human rights record of the implementing agency, company, suppliers, or relevant security forces, the enabling environment for public participation, or policies and practices related

to reprisals.

Blurring of the Lines between Public Development and Private Investment

In addition to their public sector lending, development finance institutions (DFIs) have long channeled money to the private sector in the form of loans, guarantees, and equity investments. However, over the last ten years, DFI financing to the private sector has more than doubled, growing from US\$10 billion in 2000, to almost US\$70 billion in 2014.⁹

Under the Billions to Trillions paradigm¹⁰, States and DFIs are increasingly looking to the private sector to fulfill development agendas and the Sustainable Development Goals. DFIs are also changing the way they do business to focus on brokering private sector deals, influencing policy reform, and promoting public-private partnerships, rather than on direct finance or project implementation.¹¹ As a result, the private sector is increasingly playing a prominent role in development – not just as a financier, but as a recipient of development finance, and an executor of development activities. As DFIs and donors increasingly turn to the private sector to meet development objectives, the implications for the business and human rights agenda and for human rights defenders are significant.

➤ Case Example: Eco Oro

In 2009, the World Bank Group's International Finance Corporation (IFC) made an equity investment in Eco Oro, a Canadian gold mining company with plans to mine in the sensitive and protected high altitude wetlands (páramo) of Santurban, Colombia. The company's Environmental Impact Assessment was rejected by the Colombian government in 2013 and its environmental license denied.¹² Mining in the páramo, moreover, is illegal under the Colombian Constitution, a status reaffirmed by the Colombian Constitutional Court decision in 2016. For many years community leaders who campaigned against the mining proposal have been threatened and harassed via phone and in-person at moments when advocacy activities were planned or underway. Defenders have filed police reports on these matters in Colombia, but no action has been taken as of yet.¹³ Despite all this, between 2009 and 2016, the IFC made three subsequent investments in Eco Oro. In 2016 Eco Oro announced the intent to file an international arbitration suit against Colombia at the International Centre for Settlement of Investment Disputes (ICSID) of the World Bank, alleging that Colombia's failure to grant Eco Oro an environmental license was in violation of the company's investment rights under the Canada-Colombia Free Trade Agreement. After public protest and pressure, the IFC ultimately divested from Eco Oro just weeks before the suit was filed at the end of 2016. Nevertheless, the

case provides a cautionary tale of how public development resources can be used to subvert human rights and democratic processes on behalf of corporate interests.

Private Sector Involvement in Riskier Environments

Development banks are increasing their investments in fragile and conflict-affected states and working to facilitate greater private sector investment in these environments. Development banks are also looking to private sector solutions to address the critical issue of forced displacement. Through the European Investment Bank's proposed Resilience Initiative, the Inter-American Development Bank's involvement in the Alliance for Prosperity, and the World Bank's Global Concessional Financing Facility (GCF), development banks are working to drive private sector investment in migrants' countries of origin or refugee host countries.¹⁴ While conflict and humanitarian crises demand global attention and cooperation, the introduction of private sector investment into already precarious situations requires careful attention to safeguards, due diligence, monitoring, and accountability to avoid increasing the likelihood of reprisals against human rights defenders.

➤ Case Example: Alliance for Prosperity

A recent example includes the Inter-American Development Bank's (IDB) involvement in the Alliance for Prosperity.¹⁵ An initiative in Central America's Northern Triangle (Guatemala, Honduras and El Salvador) launched in response to the unaccompanied child migrant/refugee crisis in 2014,¹⁶ the plan was pitched as a way to address root causes of migration. Instead, it focused on boosting private sector investments to improve economic and energy integration in the region, and streamline customs processes. While ignoring many of the complex root causes of forced displacement and migration in the region, and the current humanitarian crisis in the Northern Triangle, the plan bolsters public sector action on increased border security to impede migration of those who would seek refuge in Mexico or the United States.

The IDB has been providing technical assistance since the launch of the plan, and its funding to the region reflects the same objectives. Proposed IDB funding at the Guatemala-Mexico Border, for example, explicitly sought to ensure "better border control of migrants that cross the border on their way to the United States."¹⁷ At the same time, the IDB's private sector lending arm, the Inter-American Investment Corporation (IIC), is funding – directly and through financial intermediaries – high-risk infrastructure, agribusiness and energy projects linked to spikes in attacks in human rights defenders, community conflict and forced displacement.¹⁸

Private Sector Involvement in Riskier Investments

In light of the recent adoption and endorsement of the Sustainable Development Goals, many states, companies and development institutions are pushing for a dramatic increase in investments in infrastructure, mining, and energy projects to address global development needs.¹⁹ In order to deliver on these goals, private sector involvement is seen as necessary to meet the investment shortfall. However, the sectors addressed by regional development master plans have a documented history of failing to deliver a positive risk-adjusted return.²⁰ There are a wide range of reasons why the current mega-development model does not work, including the inadequate identification and mitigation of human rights and environmental risks, and increasing reprisals against those who speak out against harmful projects. To date, global and regional infrastructure plans such as the UNASUR IIRSA-COSIPLAN,²¹ the African Union Program for Infrastructure Development in Africa,²² the One Belt One Road Initiative, the Global Infrastructure Facility,²³ and the Proyecto Mesoamerica²⁴ have not proposed consequential changes in design or approach to make these projects socially and environmentally viable or to address risks for defenders.

Increasingly, development financiers are promoting the use of public-private partnerships (PPPs) in order to leverage private sector investment in development projects. In PPPs, the private sector brings in capital investment, while the public sector assumes the financial risk of the investment by guaranteeing profitability. This model, however, can invite risk to human rights defenders in unforeseen ways. The standard PPP contract promoted by the World Bank as a model for global use, for instance, includes a set of provisions that make public sector partners in a PPP liable for certain government actions or omissions that adversely affect the project or its profitability. Such government actions or omissions are defined to include “any riot, insurrection, civil commotion, act or campaign of terrorism” and “any strike, work-to-rule, or go-slow which is not primarily motivated by a desire to influence the actions of the Affected Party so as to preserve or improve conditions of employment.”²⁵ The effect of this provision is that governments may face strong financial pressure to repress any protests around these large infrastructure projects.

Reliance on Financial Intermediaries

Another growing trend in the financing of development activities is to lend through financial intermediaries (FIs) such as private banks, private equity funds, microfinance institutions and other financiers, which then on-lend to third parties. Although in many cases DFIs exert significant financial leverage with their FI clients, they are generally reluctant to take responsibility for the end results of their investments – the actions of their FIs’ corporate clients.

World Bank internal evaluations have revealed that not only is the IFC unable to track the development outcomes of its FI investments, but also in many cases, the IFC is not even aware of where its FI investments are going.²⁶ Investigations have linked IFC financial intermediary investments to abuses against defenders, and even the killings of activists.²⁷ The use of financial intermediaries makes it much more difficult for local communities to gain access to information about development projects and to hold development actors to account.

➤ **Case Example: AngloGold Ashanti**

In 2007, the IFC and the African Development Bank provided financial intermediary South African Nedbank a loan of \$140.73 million to, among other things, increase “cross-border corporate lending across Africa,” including “resource-extraction projects”.²⁸ In July 2015, Nedbank, while still a client of IFC, co-facilitated a \$105 million loan to mining giant AngloGold Ashanti for general corporate purposes, including operations in Guinea and around the world. According to IFC’s Performance Standards, Nedbank was to require that recipients of its financing comply with the IFC Performance Standards and national law where their activities would present significant risks. According to a complaint filed with the IFC’s independent investigation mechanism, in early 2015, AngloGold Ashanti had issued a memorandum in which it asked the Guinean government to make an area of the concession known as Area One available by August of that year, or it would be obliged to cease all its operations in Siguiri, Guinea.²⁹ When negotiations with the community broke down, the community’s negotiators were arbitrarily arrested and detained. State security forces, including the *bérets rouges*, a military unit notorious in Guinea for its involvement in serious human rights abuses, moved into the area and began abusing the population. According to the residents, members of the security forces looted their businesses, used tear gas and beat residents, and set huts on fire. People were arrested and shot.³⁰ Hundreds of people fled the area. An international fact-finding mission described it as a “hostage” situation, concluding that, while “security forces allege that the main reason for their presence was their intervention against illegal semi-industrial mining, a second motive was to force the residents of Area One to accept the inventory of their lands and other possessions, which they had refused to do for a long time.”³¹ According to the residents and other eyewitnesses, soldiers with guns entered people’s homes accompanied by representatives of the mining company and forced them to sign the inventories.

HUMAN RIGHTS DUE DILIGENCE & RESPONSE TO ATTACKS ON DEFENDERS

In recent years, there has been growing attention by companies around the need for human rights due diligence. To a lesser extent, some development banks serving the private sector have also shown increased awareness of the need to better examine and address human rights related risks posed by projects they are financing. These institutions could be a powerful force for promoting human rights due diligence by setting standards and providing capacity building for private sector clients. Unfortunately, development financiers have yet to fully commit to or effectively operationalize human rights due diligence. There is a substantial gap in knowledge and practice regarding what constitutes effective due diligence for corporate clients and for public development institutions, which have different roles and obligations. The *UN Guiding Principles on Business and Human Rights* do not provide enough detail on due diligence nor do they cover the additional obligations of public DFIs. One area of due diligence that is consistently overlooked is the need to assess the enabling environment for defenders. Many financiers and private companies continue to erroneously equate the IFC Performance Standards with human rights due diligence. The Performance Standards are an entirely inadequate substitute for human rights due diligence and are silent on critical risk areas for defenders.

Similarly, the instances where development financiers have responded publicly and meaningfully to threats or attacks against defenders remain very limited.³² DFIs for the most part do not have protocols in place that would allow them to respond in a systematic way to threats or attacks against defenders. In many cases both DFIs and client companies wash their hands of attacks perpetrated by third parties, and are reluctant to utilize their substantial leverage with these actors.

THREE KEY RISK AREAS

We have observed three key areas of risk for human rights defenders where development financiers are failing to undertake adequate due diligence vis a vis their private sector investments or to safeguard defenders: consultation and consent processes; use of private security forces; and conflict.

Poor Execution of Consultation and Consent Processes

A common precursor to attacks on human rights defenders is a failed or botched consultation and/or consent process. Companies are increasingly acknowledging consultations with communities and free, prior and informed consent processes with indigenous peoples as standard good

practice. However, more often than not, these processes are executed poorly or their results are not meaningfully incorporated within project plans. As a result, consultation and consent processes have observably been the catalysts of discord between communities and the private sector, and often directly give rise to incidents endangering and threatening human rights defenders. While the involvement of development institutions should theoretically provide a more robust framework for the execution of consultation and consent processes, DFIs often fail to provide critical necessary oversight and capacity building. In particular, while DFIs may set standards for consultations, they often rely solely on the private sector's accounting of consultation processes, and fail to assess the enabling environment around public participation to consider whether defenders and other vulnerable groups are actually able to participate in consultations without fear of reprisal.

➤ **Case Example: Mareña Renovables Wind Project**

In 2011, the IDB approved \$72 million in financing to the Mexican government for a large-scale wind farm and transmission project in the Tehuantepec isthmus of Oaxaca, to generate electricity for the Mexican multinational beverage bottler, Fomento Económico Mexicano (FEMSA).³³ Project implementers violated the rights of indigenous communities, with the IDB's accountability mechanism finding that, "the Bank did not comply with the obligation of ensuring that good faith consultation and negotiation processes with the affected indigenous groups took place..."³⁴ When communities raised concerns about expropriation of their lands, negative impacts on biodiversity, and disruption of their local fishing economy, they were threatened and physically attacked.³⁵ In 2012 and 2013, local indigenous activist Bettina Cruz was arrested multiple times on trumped up charges.³⁶ After an investigation by the IDB's independent accountability mechanism, the IDB Board of Directors instructed Bank management to ensure that the institutional and regulatory framework of projects involving indigenous communities be based on international best practice and urged them to strengthen institutional capacity to assess social risks and operate in contexts of social conflict.³⁷

Use of Security Forces or Armed Groups to Protect Investments

Public and private security forces are often utilized to clear the way for development activities, especially where the investments may be opposed by local groups. Engagement of these forces without adequate safeguards has had deadly consequences for defenders. Some development financiers are seeing the need to provide greater due diligence around the use of security forces.³⁸ But for the most part, due diligence and accountability are sorely lacking.³⁹

➤ **Case Example: Dinant Corporation**

In 2009, the World Bank's International Finance Corporation (IFC) provided a \$30 million loan to the Dinant Corporation, a Honduran agribusiness company.⁴⁰ The project was designed to expand Dinant's palm oil plantations and support development of a biogas facility. The project was assessed as a sustainable development initiative with only moderate social and environmental risk.⁴¹ Instead, between 2009 and 2013, peasant farmers on and around Dinant's palm oil plantations were subjected to violent forced evictions, with over 40 deaths linked to Dinant's security forces.⁴² A lawsuit filed by local farmers and human rights defenders in 2017 alleges that "guards and security agents working for Dinant continue to intimidate and kill community members and farmers' leaders across the Aguán to this day".⁴³ The lawsuit details a pattern of attacks designed "to intimidate farmers from asserting competing rights to land that Dinant has sought to control".

**See also AshantiGold case above.*

Overlooking and Exacerbating the Impacts of Historic and Present-Day Conflict

Present day and historic conflict is a major driver of human rights risks and threats to defenders. When private sector development activities are enacted in areas with a legacy of conflict – whether land, ethnic, political, or other – human rights abuses often follow. Reprisals against defenders are more likely to be violent. Across the board, development finance institutions and their private sector clients do not adequately assess these contextual risks, both where there is present-day conflict such as in the Dinant case, and especially not where conflict is more historic.⁴⁴ Moreover, in many cases DFI activities are actively driving conflict. This is the case in many countries in Africa and Latin America where development banks like the World Bank are promoting large-scale land investments as a catalyst for rural development, and facilitating private sector access to land through technical assistance and regulatory reforms.⁴⁵

➤ **Case Example: HidroItuango**

The HidroItuango hydroelectric project in Colombia, operated by an international investment consortium with financing from the IDB⁴⁶ and its private financing arm, the IIC,⁴⁷ is situated in an area that the Colombian Ombudsman's office has characterized as having high rates of violence, forced displacement and complex interplay between FARC, the government, and other armed actors.⁴⁸ The Ombudsman's Office⁴⁹ and UN experts⁵⁰ have documented the fact that human rights defenders are not freely able to express their opinion and have been victims of stigmatization and repeated threats. In 2016, a risk report by the Ombudsman highlighted that defenders speaking out about the Ituango project were subjected to repeated illegal detention as a form of intimidation and threat.⁵¹ Rios

Vivos, the local group formed in opposition to the project has denounced killings of its members.⁵² Despite this, in 2016, the IIC approved \$65 million in additional financing for the project. The IIC has not taken any clear steps to minimize the risk of future attacks or secure remedy for the defenders who have been harmed.

➤ **Case Example: Feronia Inc.**⁵³

Feronia Inc. is a Canadian-based company that operates three oil palm plantations in the Democratic Republic of the Congo (DRC) which it purchased from Unilever in 2009. Since 2013, Feronia has received \$118 million in equity financing from the UK's CDC and other European and US DFIs by way of the Mauritius-based African Agriculture Fund. These DFIs now own 93 percent of the company's shares. In December 2015, several other European DFIs, from Germany (DEG), Netherlands (FMO) and Belgium (BIO), as well as a consortium of DFI investors participating in an infrastructure fund, committed to lend the company an additional \$49 million. The DFI investments occurred despite the publication of several reports by the Congolese NGO RIAO-RDC and its international partner organisations detailing numerous human rights and labour violations at Feronia's plantations, as well as serious historic land conflicts with local communities and allegations of corruption linked to a high-level DRC politician. There have also been many documented cases of abuse of local people at the hands of the company's security guards, as well as intimidation of local land defenders. Many of these concerns were also documented in a 2016 environmental and social audit conducted on behalf of the company and at the request of its DFI lenders. The affected communities and national and international NGOs are calling for an independent investigation into Feronia's operations and the publication of the complete financial records of the company's DRC subsidiaries. While the DFIs have so far ignored these requests, in December 2016, Feronia announced a new equity placement by the CDC and the African Agriculture Fund.

¹ See Human Rights Watch, “At Your Own Risk: Reprisals Against Critics of World Bank Group Projects,” 22 June 2015, <https://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects>

² See also database of attacks on defenders working on business: Business & Human Rights Resource Centre, <http://business-humanrights.org/search-human-rights-defenders>

³ See e.g. Independent Doing Business Report Review Panel (June 2013), Independent Panel Review of the Doing Business report, <http://hendrikwolff.com/web/Doing%20business%20review%20panel%20report%20with%20sig-natures%20and%20Bibliography.pdf>

⁴ The World Bank (27 October 2015), *Doing Business 2016: Measuring Regulatory Quality and Efficiency*, World Bank

⁵ See e.g. Centre for Environmental Rights (2014), *Infrastructure Development Act No. 23 of 2014*, <http://cer.org.za/virtual-library/legislation/national/landuseandplanning/infrastructure-development-act-2014>

⁶ See e.g. Jared Heath and Cameron Grant (26 May 2015), *Infrastructure in Indonesia: Will recent reforms make things easier?*, Corrs, Chambers, Westgarth, http://www.corrs.com.au/thinking/insights/infrastructure-in-indonesia-will-recent-reforms-make-things-easier/?utm_source=Mondaq&utm_medium=syndication&utm_campaign=View-Original

⁷ See e.g. Adriana Brasileiro (2 December 2015), *Proposed law may remove indigenous land rights in Brazil*, Reuters, <http://www.reuters.com/article/us-brazil-landrights-indigenous-idUSKBN0TL17120151202>

⁸ See e.g. the World Bank’s new Environmental and Social Framework, <http://www.worldbank.org/en/programs/environmental-and-social-policies-for-projects/brief/the-environmental-and-social-framework-esf>

⁹ Savoy et al. (October 2016), *Development Finance Institutions Come of Age*, Center for Strategic & International Studies, p.4, <https://www.csis.org/analysis/development-finance-institutions-come-age>

¹⁰ Development Committee (2 April 2015), *From Billions to Trillions: Transforming Development Finance*, Development Committee Discussion Note

¹¹ Billions to Trillions, p. 17; Kate Hodal, (10 October 2016), “Aid reforms could see big increase in private sector subsidies”, The Guardian, <https://www.theguardian.com/global-development/2016/oct/10/aid-reforms-could-see-big-increase-in-private-sector-subsidies>; World Bank press release, (15 December 2016), “Global Community Makes Record \$75 Billion Commitment to End Extreme Poverty”, <http://www.worldbank.org/en/news/press-release/2016/12/15/global-community-commitment-end-poverty-ida18>

¹² http://www.cao-ombudsman.org/cases/case_detail.aspx?id=187

¹³ See also survey response by the Center for International Environmental Law, submitted to the UNSR June 2, 2017

¹⁴ See <http://www.worldbank.org/en/news/video/2017/04/21/gcff-support-for-refugees-and-host-communities-in-jordan-and-lebanon>; <http://www.iadb.org/en/news/news-releases/2014-11-14/northern-triangle-presidents-present-development-plan.10987.html>; Counterbalance and CEE Bankwatch, *Going Abroad: A critique of the European Investment Bank’s external lending mandate*, <http://www.counter-balance.org/the-eu-banks-dubious-overseas-development-experience-shows-it-cannot-be-a-key-player-in-europes-response-to-the-plight-of-refugees-report/>

¹⁵ <http://www.iadb.org/en/news/news-releases/2014-11-14/northern-triangle-presidents-present-development-plan.10987.html>

¹⁶ See UNHCR report “Children on the Run” <http://www.unhcr.org/en-us/children-on-the-run.html>

¹⁷ Project Profile for “Programa de Integración Fronteriza Guatemala-Mexico (GU-L1086)”, Inter-American Development Bank, available at <http://idbdocs.iadb.org/wsdocs/getdocument.aspx?docnum=39595659>

¹⁸ See, e.g. IIC investments in energy projects in Guatemala and Honduran Banco Ficohsa

¹⁹ See e.g. Bent Flyvbjerg, *What You Should Know About Megaprojects and Why: An Overview* (April 7, 2014), Project Management Journal (April/May 2014) <https://ssrn.com/abstract=2424835>, and *G20 Global Infrastructure Connectivity Alliance* (September, 10 2016), Heinrich Boell Foundation, <https://us.boell.org/2016/09/09/g20-global-infrastructure-connectivity-alliance>

²⁰ See e.g. Ansar et al. 2016. Does infrastructure investment lead to economic growth or economic fragility? Evidence from China. <https://arxiv.org/ftp/arxiv/papers/1609/1609.00415.pdf>

²¹ See <http://www.iirsa.org/>

²² See <http://www.au-pida.org/>

²³ See <http://globalinfrafacility.org/>

²⁴ See <http://www.proyectomesoamerica.org/>

²⁵ See A Standard Contract for PPPs the World Over: Recommended PPP Contractual Provisions Submitted to the G20, April 11, 2016 by Steven Shrybman and Scott Sinclair, <https://us.boell.org/2016/04/11/standard-contract-ppps-world-over-recommended-ppp-contractual-provisions-submitted-g20>; and treatment of Material Adverse Government Action within World Bank Group, PPIAF (January 2015), *Report of Recommended PPP Contract Provisions*, 2015 Edition, p.16. <https://ppp.worldbank.org/public-private-partnership/library/wbg-report-recommended-ppp-contractual-provisions>

²⁶ Independent Evaluation Group (2013), *Results and Performance of the World Bank Group 2012*, Washington DC: World Bank, <http://elibrary.worldbank.org/doi/book/10.1596/978-0-8213-9853-1>

²⁷ Inclusive Development International (2016), *Outsourcing Development: Lifting the Veil on the World Bank Group's Lending through Financial Intermediaries*, Inclusive Development International, <http://www.inclusivedevelopment.net/what/campaigns/outsourcing-development/>

²⁸ IFC Project Information Portal, Project Number 26014. See also Letter of Complaint to CAO by the Siquiri affected population: http://www.inclusivedevelopment.net/wp-content/uploads/2017/05/Letter-of-Complaint-to-CAO_Siquiri_-Guinea_EN-FINAL.pdf; See also IFC Press Release, July 2, 2007: <http://ifcext.ifc.org/ifcext/press-room/ifcpressroom.nsf/1f70cd9a07d692d685256ee1001cdd37/ab073109ea552bde8525730c006c3afa?OpenDocument>

²⁹ Letter of Complaint to CAO by the Siquiri affected population: http://www.inclusivedevelopment.net/wp-content/uploads/2017/05/Letter-of-Complaint-to-CAO_Siquiri_-Guinea_EN-FINAL.pdf; and Press release: World Bank implicated in violent evictions for Guinea gold mine, victims file complaint with accountability office, Inclusive Development International, May 17, 2017, <http://www.inclusivedevelopment.net/world-bank-implicated-in-violent-evictions-for-guinea-goldmine-victims-file-complaint/>

³⁰ Unjust Enrichment: How the IFC Profits from Land Grabbing in Africa, April 2017, www.inclusivedevelopment.net/wp-content/uploads/2017/04/Outsourcing-Development-Africa.pdf

³¹ Involuntary Resettlement for the Extension of a Gold Mine in Kintinian: Kintinian, Guinea – Fact-Finding Mission Report, January 2017, Centre de Commerce International pour le Développement et al., <https://communities-first.net/wp-content/uploads/2017/01/CECIDE-MDT-Report---Kintinian-Resettlement-AngloGold-Ashanti-Jan-2017.pdf>

³² At your own risk: reprisals against critics of World Bank projects, Human Rights Watch, <https://www.hrw.org/report/2015/06/22/your-own-risk/reprisals-against-critics-world-bank-group-projects>

³³ Inter-American Development Bank, “Mareña Renovables Wind Project” (ME-L1107)

³⁴ Independent Consultation and Review Mechanism, Compliance Review Report, Mareña Renovables Wind Project, disclosed 14 September 2016, <http://www.iadb.org/document.cfm?id=40671375>

³⁵ *Ibid.* See also, Rosa Rojas, “Denuncian campaña de intimidación en contra de indígena de Tehuantepec,” La Jornada, 5 December 2013, <http://www.jornada.unam.mx/ultimas/2013/12/05/denuncian-campana-de-intimidacion-en-contra-de-indigena-de-tehuantepec-6483.html>

³⁶ Rosa Rojas, “Denuncian campaña de intimidación en contra de indígena de Tehuantepec,” La Jornada, 5 December 2013, <http://www.jornada.unam.mx/ultimas/2013/12/05/denuncian-campana-de-intimidacion-en-contra-de-indigena-de-tehuantepec-6483.html>

³⁷ http://www.iadb.org/en/mici/me-mici002-2012-marena-renovables-wind-project-mexico-compliance-review-report-published-after-consideration_20488.html

³⁸ Use of Security Forces: Assessing and Managing Risks and Impact, International Finance Institution, 2017, at <https://ifcextapps.ifc.org/IFCExt/Pressroom/IFCPressRoom.nsf/0/9EDA19BA70F58368852580DB005643D7>

³⁹ The World Bank’s new Environmental and Social Framework leaves the potential for preventive use of force. See International Corporate Accountability Roundtable recommendations to World Bank regarding guidance note on community safety and use of security forces, on file with author.

⁴⁰ IFC disclosure portal, Corporación Dinant S.A. de C.V., (# 27250) <https://disclosures.ifc.org/#/projectDetail-ESRS/344>

⁴¹ *Ibid.*

⁴² See Compliance Advisor Ombudsman, CAO Audit of IFC Investment in Corporacion Dinant, 20 December 2013, http://www.cao-ombudsman.org/cases/document-links/documents/DinantAuditCAORefC-I-R9-Y12-F161_ENG.pdf

⁴³ Farmers sue World Bank lending arm over alleged violence in Honduras, The Guardian, March 8, 2017, <https://www.theguardian.com/global-development/2017/mar/08/farmers-sue-world-bank-lending-arm-ifc-over-alleged-violence-in-honduras>

⁴⁴ See Compliance Advisor Ombudsman, CAO Audit of IFC Investment in Corporacion Dinant, 20 December 2013, http://www.cao-ombudsman.org/cases/document-links/documents/DinantAuditCAORefC-I-R9-Y12-F161_ENG.pdf

⁴⁵ See e.g. Unjust Enrichment: How the IFC Profits from Land Grabbing in Africa, April 2017, www.inclusivedevelopment.net/wp-content/uploads/2017/04/Outsourcing-Development-Africa.pdf

⁴⁶ See [IDB project CO-T1250](#), which gave \$150,000 in technical assistance in 2012 and [IDB project CO-L1226](#), a loan of \$50million

⁴⁷ [IIC approved \\$65 million](#) in 2016 (project 11794-04); the joint [IDB/IIC loan facility](#) will provide an unsecured loan of up to \$550million

⁴⁸ See Informe de Riesgo N° 022-14 A.I., Colombian Ombudsman (Defensoría del Pueblo), p. 3 & 14, and Informe de Riesgo N° 003-17

⁴⁹ *Ibid*

⁵⁰ Document of letter exchange between Colombian government and UNHCHR, recognizing threats against members of Rios Vivos in January 2015, [https://spdb.ohchr.org/hrdb/28th/Colombia_29.01.15_\(7.2014\).pdf](https://spdb.ohchr.org/hrdb/28th/Colombia_29.01.15_(7.2014).pdf)

⁵¹ See Informe de Riesgo N° 022-14 A.I., Colombian Ombudsman (Defensoría del Pueblo), p. 3 & 14

⁵² See Colombian government mission in Geneva communication to Office of High Commissioner for Human Rights, DCHONU No 107, January 29, 2015, [https://spdb.ohchr.org/hrdb/28th/Colombia_29.01.15_\(7.2014\).pdf](https://spdb.ohchr.org/hrdb/28th/Colombia_29.01.15_(7.2014).pdf); Rios Vivos communication to its members, Asesinato a otro miembro del Movimiento en Defensa de los Territorios y Afectados por Represas Ríos Vivos Antioquia, <http://debatehidroituango.blogspot.com.co/2013/12/asesinato-otro-miembro-del-movimiento.html>

⁵³ Land conflicts and shady finances plague DR Congo palm oil company backed by development funds, GRAIN, 20 November 2016, <https://www.grain.org/article/entries/5564-land-conflicts-and-shady-finances-plague-dr-congo-palm-oil-company-backed-by-development-funds>