



Tools for Environmental and Human Rights Defenders in Asia: Demystifying Development Banks

September 25, 2017

PROGRAM

I. The connection between development finance and defenders

- Sukhgerel Dugersuren, Oyu Tolgoi Watch

II. How development banks work and how to access information

- Tom Weerachat, International Accountability Project

III. Policies and complaint mechanisms

- Rayyan Hassan, NGO Forum on ADB

IV. Advocacy strategies and campaigns

THE CONNECTION BETWEEN DEVELOPMENT BANKS AND DEFENDERS

Oyu Tolgoi Watch,
Mongolia

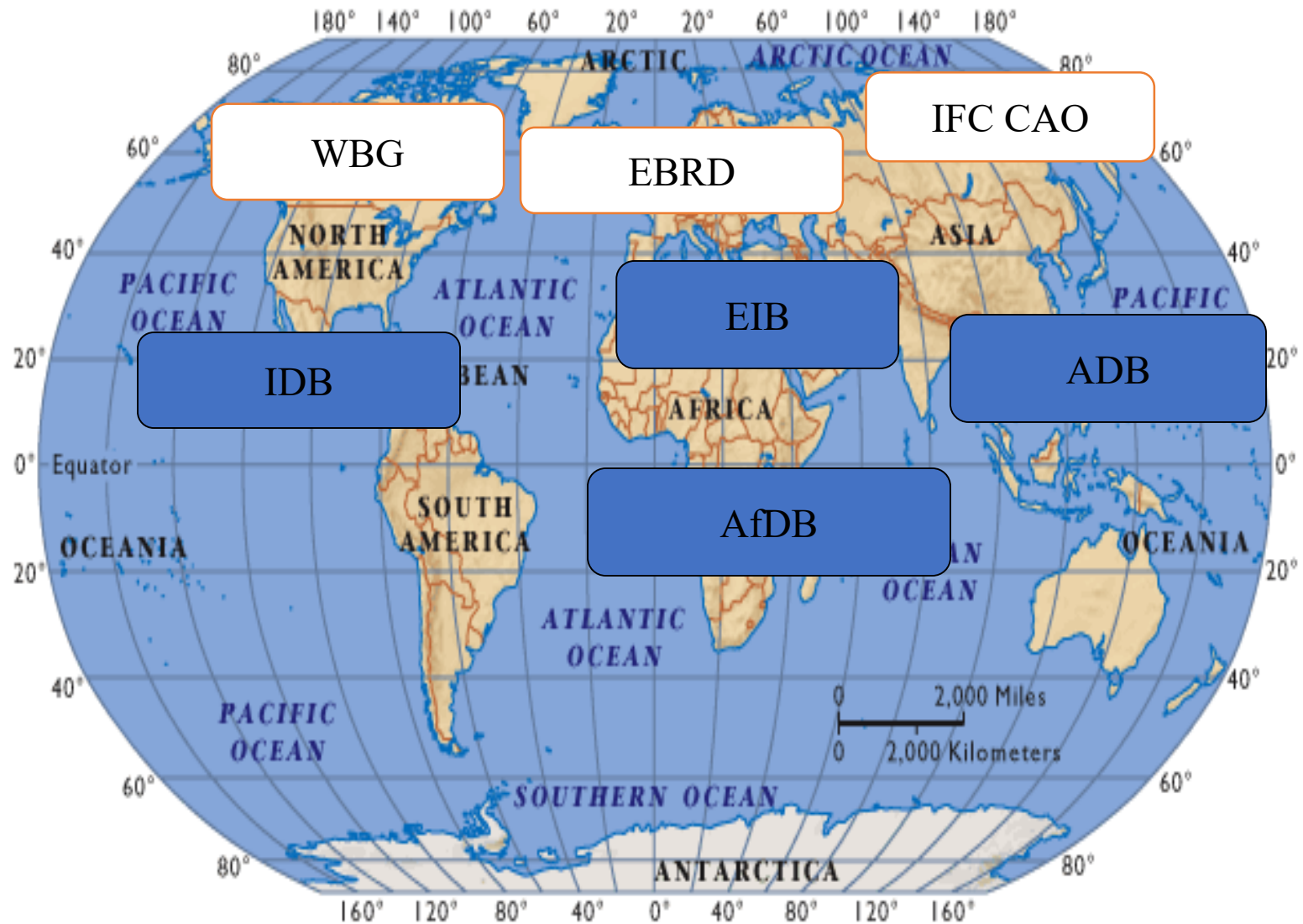
CHRD Webinar,
September 26, 2017



WHAT IS THE CONNECTION BETWEEN MDBs AND HRDs?

- MULTILATERAL DEVELOPMENT BANKS – World Bank Group (IFC, MIGA, IDA, Asian Development Bank (ADB), European Bank for Reconstruction and Development (EBRD) finance development projects: roads, hydro-dams, airports, ag-food production, plantations, mining and such large projects.
- MDBs finance banks national banks through on-lending programs
- MDBs finance government through technical assistance programs – policy and legal reform, economic restructuring, health & education, etc.

MULTILATERAL DEVELOPMENT BANKS



HUMAN RIGHTS DEFENDERS – WHAT DO THEY DO?

- **DEFINITION:** people who, individually or with others, act to promote or protect **human rights** THROUGH PEACEFUL MEANS.
- HRDs – are local community members fighting to protect community land and access to traditional resources: right to home, right to land, right to clean and safe living environment, etc.
- Many in rural Mongolia who fight against being resettled do not know that they are HRDs and that are there protections available when their rights are violated

How does a MDBs “development project” affect you

- Take away your land
- Put a road thru pasture
- Reduce access to water, forest or land
- Contaminate water, land, air and forest
- Physically abuse local community members



How to they violate? TYPES OF LABELS

- DEFENDERS:

- ANTI-DEVELOPMENT PROTESTERS
- DEVELOPMENT STOPPERS
- RANSOM, EXTORTION SEEKERS
- RACKETEERS
- TRAITORS OF NATIONAL INTERESTS
- FOREIGN FUNDED AGENTS
- GREEDY LOT WHO WANT MORE THAN OTHERS

- COMPANIES:

- WEALTH PRODUCERS
- ARCHITECTS OF DEVELOPMENT
- CREATORS
- JOB CREATORS

TYPES OF RETALIATION

- REPUTATIONAL DAMAGE
 - ACCUSATIONS IN THEFT OF COMPANY PROPERTY
 - GREEDY DEMANDERS
 - FOREIGN FUNDED AGENTS
- JOB LOSS
 - NO JOB DESCRIPTION
 - FIRED FOR NOT PERFORMING DUTIES NOT INCLUDED IN DUTIES
- FILING COURT CLAIMS ON TRUMPED CASES
 - EBRD FINANCED IRON MINE VS 4 LOCAL PUBLIC SERVANTS
- LOCAL POLICE INTERROGATIONS or LACK OF INVESTIGATION – EBRD, IFC
- DEPORTATION – WBG project

TYPES OF ATTACKS

- PHYSICAL ATTACKS:

- Complainant leader stabbed by a drunk
- Search of private vehicles by company security or local police
- Company security seizing activists' and journalists' phones, cameras

- MASS MEDIA & SOCIAL MEDIA ATTACKS

2013 – Munkhbayar case – PM started a mass media attack on EHRDs

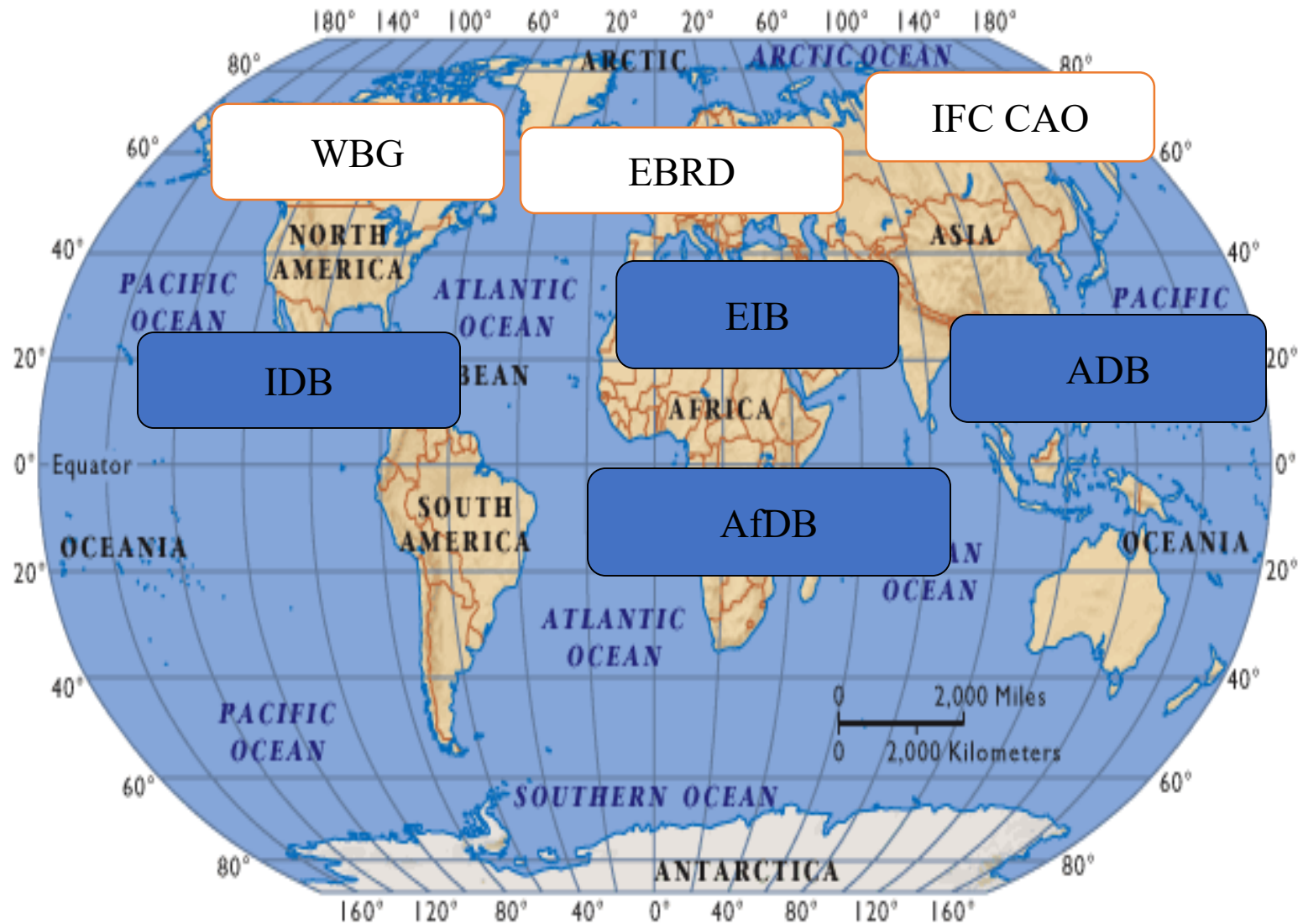
PAID media attacks on any criticism of “development projects” –
especially foreign investment projects

2016/2017 – World Bank project attacks on Rivers without Boundaries

foreign funded agents

traitor

ACCOUNTABILITY MECHANISMS



WHY SHOULD WE ADVOCATE WITH MDBs?

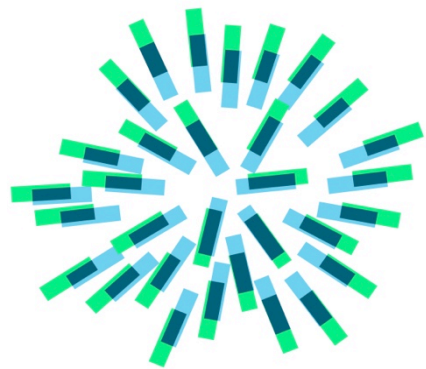
- NO INDEPENDENT JUDICIARY – 334 settlements 29 courts
 - NO GOVERNMENT SUPPORT
 - MDB, IFIs and OECD COUNTRIES' RESPONSIBILITY
 - INDEPENDENT ACCOUNTABILITY MECHANISMS
-
- We have 2 complaints with the IFC CAO that are considered successful
 - One complaint with the WBIP – also considered successful
 - OECD NCP and EBRD PCM 2 complaints each – not successful

THANK YOU FOR YOUR ATTENTION.
otwatch@gmail.com



Development Finance in Asia and how to access information

Tom Weerachat
Asia-Pacific Program Coordinator



COALITION FOR
HUMAN RIGHTS IN
DEVELOPMENT

INTERNATIONAL
ACCOUNTABILITY PROJECT



Why development finance?



What is development finance?

National and international financial institutions that provide finance to **governments** and the **private sector** for investments that promote development.

development
finance
institutions



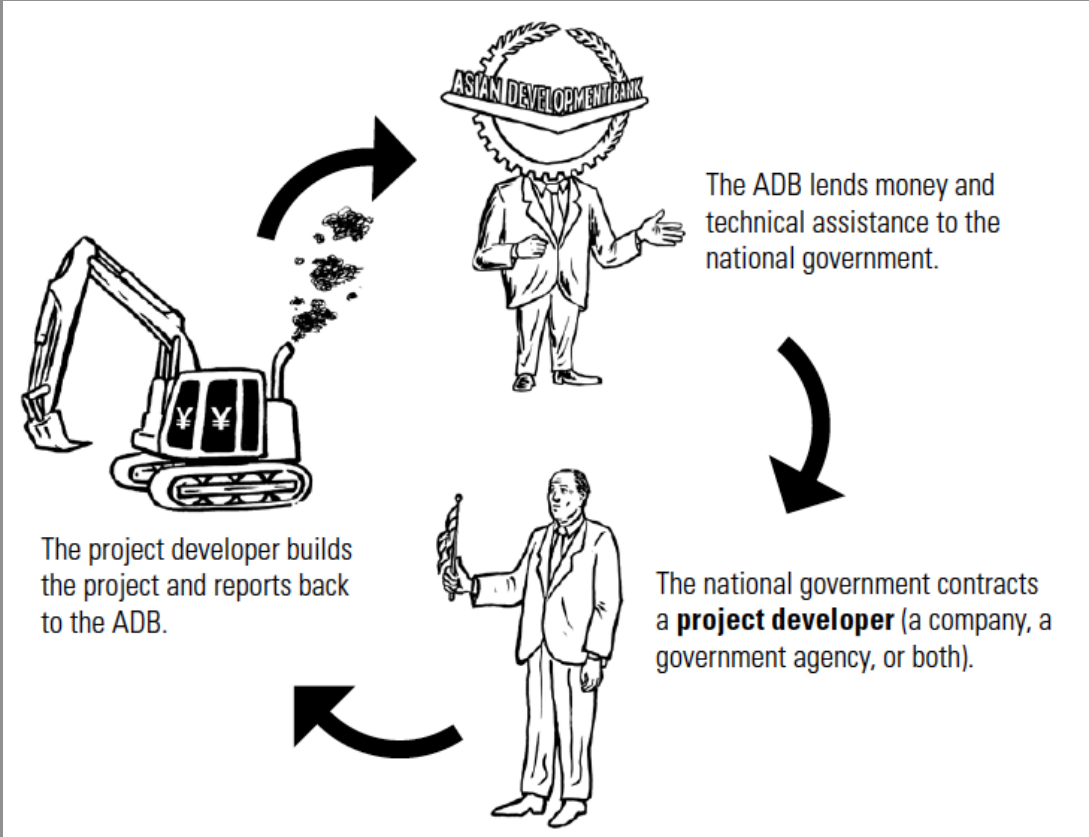
Loans, grants,
guarantees,
technical
assistance



governments &
private sector
(companies)



Projects,
Programs, Policies



World Bank

Asian
Development
Bank (ADB)

International Finance
Corporation (IFC) &
Multi-lateral
Investment
Guarantee Agency
(MIGA)

Asian Infrastructure
Investment Bank
(AIIB)

Japan International
Cooperation Agency
(JICA) & Japan Bank for
International
Cooperation (JBIC)

What do they have in common?

- Public money funding
 - National - receive public money from the state
 - International – receive public money from its member countries
- Government representatives make decisions
- Often a public interest mission (“poverty reduction”)
- Environmental and social standards (safeguards) apply to their investments
- Independent accountability mechanisms

Independent Accountability Mechanisms

World Bank

Inspection Panel

IFC/MIGA

Compliance Advisor
Ombudsman (CAO)

ADB

Accountability Mechanism

JBIC/JICA

Examiners for
Environmental Guidelines

EIB

(EEG)
Complaints Mechanism

AIIB

Complaints Handling
Mechanism

HUMAN RIGHTS

TRANSPORT

ENERGY

SANITATION

TRADE

FACILITATION

LAND REFORM

EDUCATION

&

MINING

Agriculture

PRIVATE SECTOR

HEALTH

DEVELOPMENT

ENVIRONMENT

JUDICIAL REFORM

CLIMATE

SPECIAL ECONOMIC

ZONES

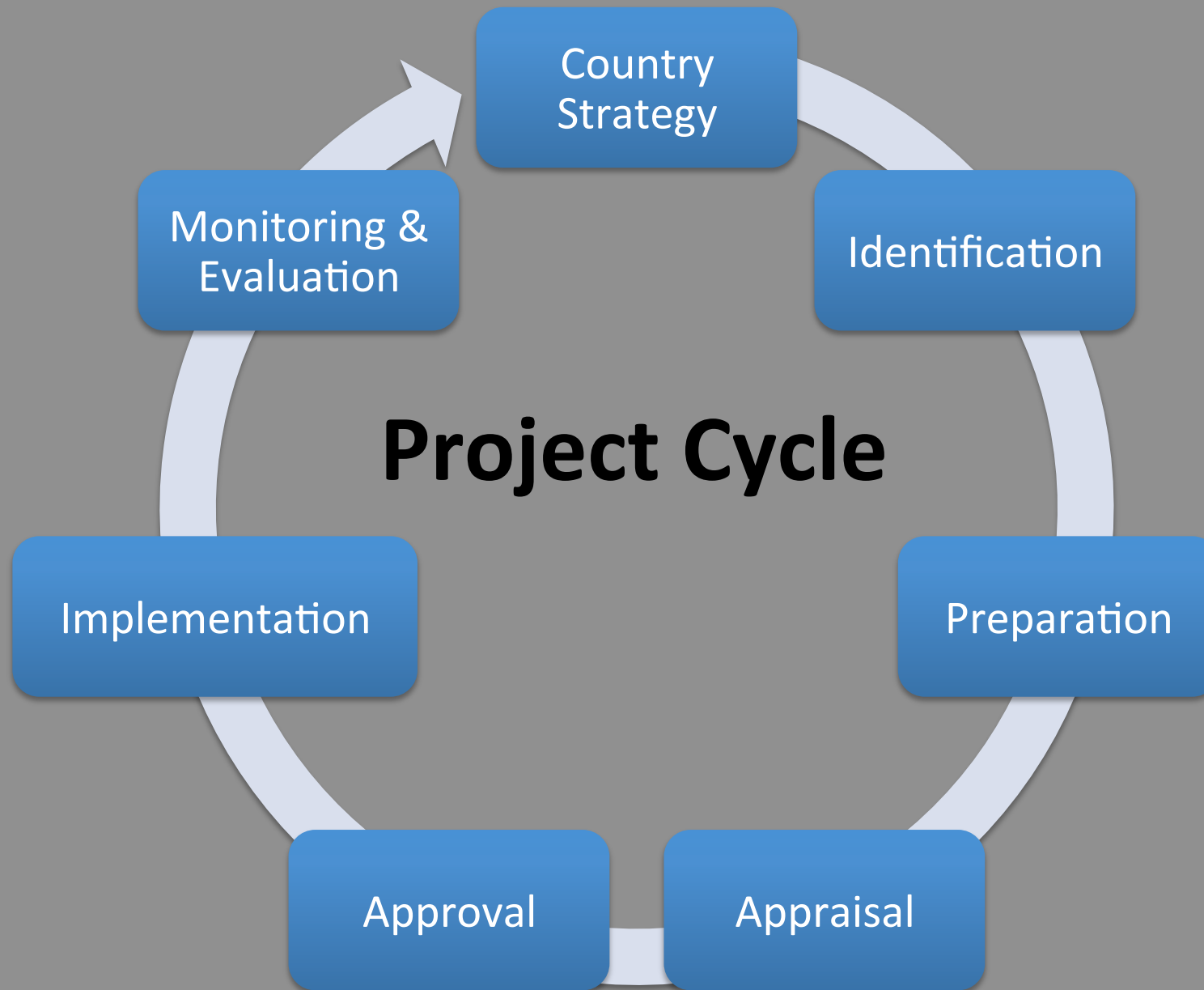
CHANGE

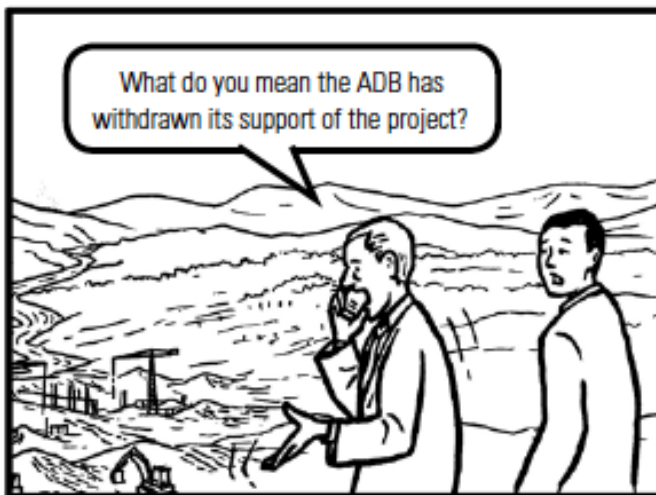
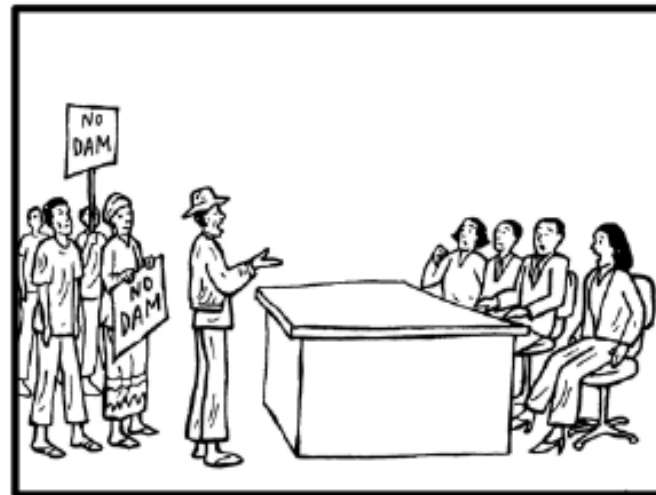
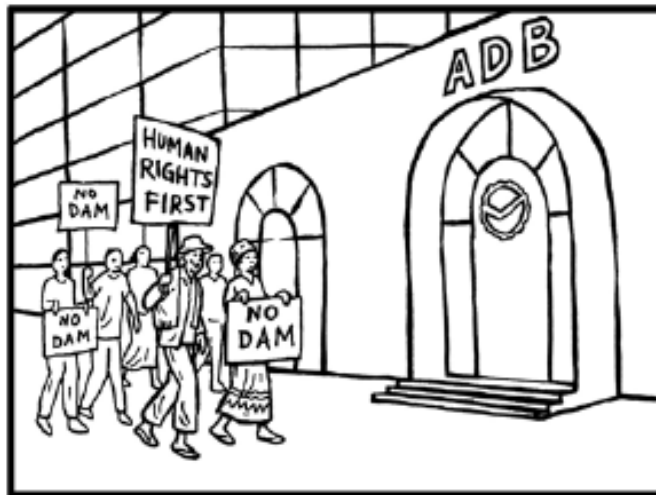
BANKING/FINANCE

?

INFRASTRUCTURE







Access to Information

Summary of Investment Information

Project Number	Company Name	Date SPI Disclosed
38831	SHWE TAUNG CEMENT COMPANY LIMITED	Apr 7, 2017
Country	Region	Projected Board Date
Myanmar	East Asia and the Pacific	Jul 31, 2017
Environmental Category	Status	Last Updated Date
A	Pending Signing	Apr 7, 2017
Department	Industry	Previous Events
Gbl Ind, Manufact, Agribus & Services	Manufacturing	Approved : Jul 31, 2017
Sector		
Cement		

Project Description

Shwe Taung Cement Company Limited ("STC" or the "Company") is part of the Shwe Taung Group ("STG" or the "Group") of Myanmar. The Group has presence across diverse businesses including real estate, construction, retail and financial services.

STG expanded into the cement business in 2010 by setting up STC, to meet the rapidly growing demand of concrete and cement in Myanmar. STC is an integrated cement manufacturer with current clinker manufacturing capacity of 1,500 tons per day ("TPD") and cement grinding capacity of 2,800 TPD. The Company distributes its cement all over Myanmar under the brand name "Apache Portland Cement ("Apache)". Through its wholly owned subsidiary, Shwe Taung Mining ("STM"), STC has mining concessions providing captive sources for limestone and coal.

High Tech Concrete Company Limited ("HTC"), a subsidiary of STC, is one of the leading manufacturers of Ready Mix Concrete ("RMC") in Myanmar. HTC has been in business for more than two decades and has a network of batching plants across the country.

The Project envisages brownfield expansion of STC's cement plant at Pyi Nyaung Village, Thazi through expansion of clinker capacity to 5,500 tpd and cement grinding capacity to 7,200 tpd. The Project also involves construction of a Waste Heat Recovery System ("WHRS") and improvement in emission control systems.

Sponsor / Cost / Location	Development Result	E&S Category Rationale / Risks and Mitigation	Contacts
Project Sponsor and Major Shareholders of Project Company >			
Total Project Cost and Amount and Nature of IFC's Investment >			

<https://disclosures.ifc.org>

This page in: [English](#) [Español](#) | [Français](#) | [Português](#) | [Русский](#) | [عربي](#) | [中文](#)

PROJECT

Vietnam Scaling up Urban Upgrading Project

OVERVIEW | DETAILS | FINANCIALS | PROCUREMENT | RATINGS | RESULTS | MAP | DOCUMENTS | NEWS & MEDIA

ABSTRACT*

The development objective of the Scaling up Urban Upgrading Project for Vietnam is to improve access to infrastructure in priority city areas and improve urban planning in the participating cities. There are four components. The first component will support tertiary investments in approximately 30 LIAs, covering about 650 ha, including: (i) construction, rehabilitation, and upgrading of roads and lanes; (ii) construction and rehabilitation of drains; (iii) improvements to environmental sanitation by rehabilitating or constructing [Read More»](#)

PROJECT AT-A-GLANCE	
Project ID	P159397
Country	Vietnam
Region	East Asia and Pacific
Status	Active
Approval Date (as of board presentation)	May 30, 2017
Closing Date	December 31, 2023
Total Project Cost**	US\$ 330.00 million
Commitment Amount	US\$ 240.00 million
Team Leader	Hoa Thi Hoang, Gayatri Singh

[View More »](#)

LATEST PROJECT DOCUMENTS

Vietnam - Vietnam Scaling up Urban Upgrading Project : P159397 - Implementation Status Results Report : Sequence 01 (English)
July 28, 2017

Vietnam - Scaling Up Urban Upgrading Project (English)
May 8, 2017

Vietnam - Scaling Up Urban Upgrading Project (English)
March 1, 2017

[View All Documents »](#)

<http://projects.worldbank.org/>

Myanmar: Myingyan Natural Gas Power Project

Nonsovereign (Private) Project | 48368-001 Status: **Approved**

Overview | **Project Data Sheet** | Documents

[Translations](#) | [Download as PDF](#) | [Print](#)

Project Name	Myingyan Natural Gas Power Project		
Project Number	48368-001		
Borrower/Company	MYINGYAN NATURAL GAS POWER PROJECT Myingyan Project Company SEMBCORP MYINGYAN POWER CO. LTD		
Country			
Location			
Approval Number	3359, 7460/3359		
Type of ADB Assistance / Amount	Complementary Loan	USD 110.00 million	Approved
	Loan	USD 42.20 million	Approved
	7460 Loan	USD 42.20 million	Approved
	7460 Loan	USD 42.20 million	Approved

<https://www.adb.org/projects>



BARRIERS

Technical Language

Not in local languages

Disclosure timeline

Documents not disclosed

Accessible in local
community?

Request for Information

🏠 > Projects >

Mongolia: Strengthening Information and Communication Technology Systems for Efficient and Transparent Tax Administration

Sovereign (Public) Project | 51238-001 Status: Approved

[Overview](#) [Project Data Sheet](#) [Documents](#)

The proposed knowledge and support technical assistance (KSTA) will support the Government of Mongolia to reform business processes of the tax administration and develop a high quality system and applications design for Tax Administration Information Systems (TAIS).

LATEST PROJECT DOCUMENTS

Title	Date
Strengthening Information and Communication Technology Systems for Efficient and Transparent Tax Administration: Technical Assistance Report	Aug 2017

Project Details

Project Officer
Lee, Seung Min
East Asia Department

Request for information

Country
Mongolia

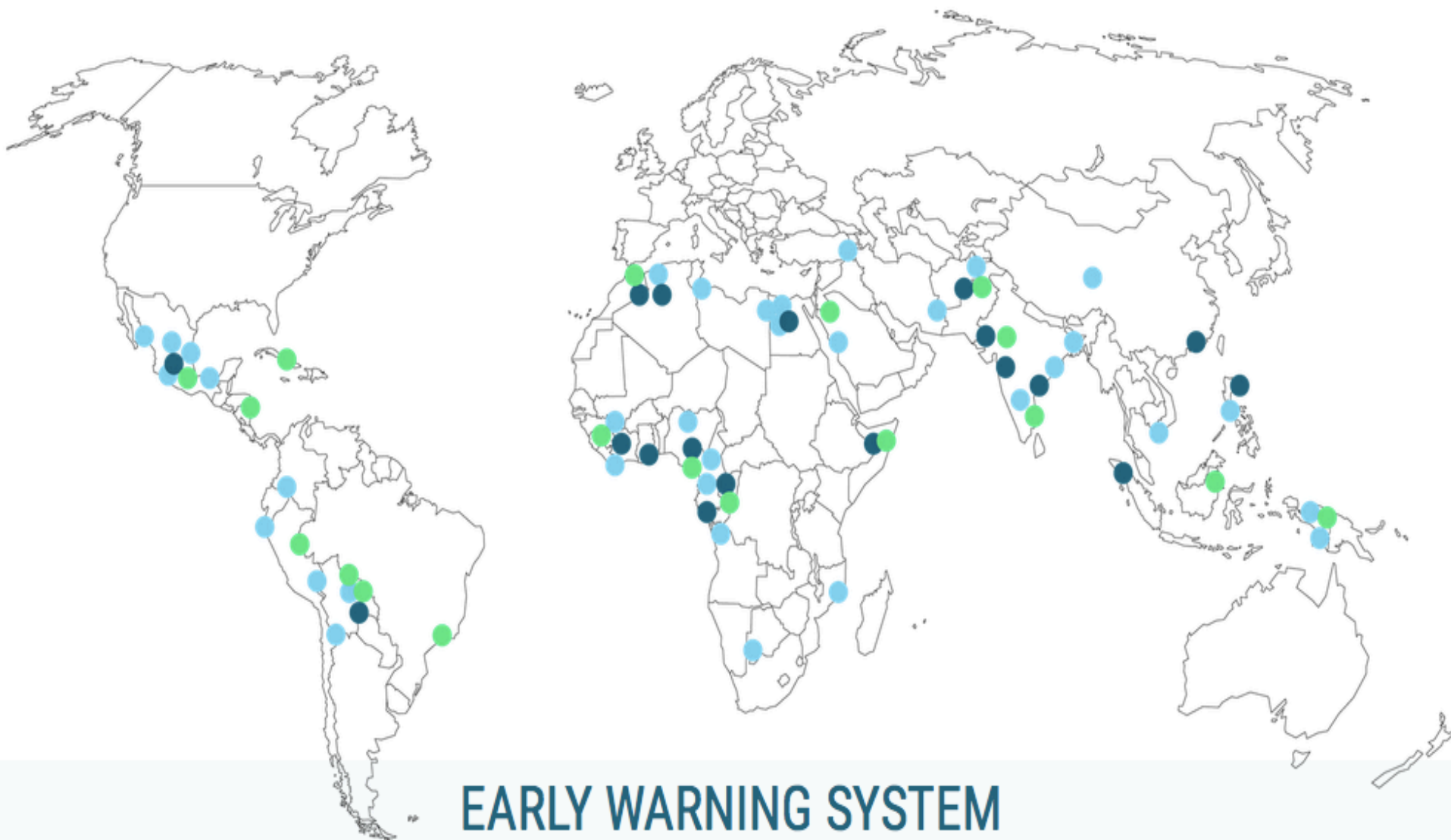
Sector
Public sector management

Personal Details

First name *
Last name *
Affiliation *
Name of organization
Country of residence *
E-mail address *
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EARLY WARNING SYSTEM

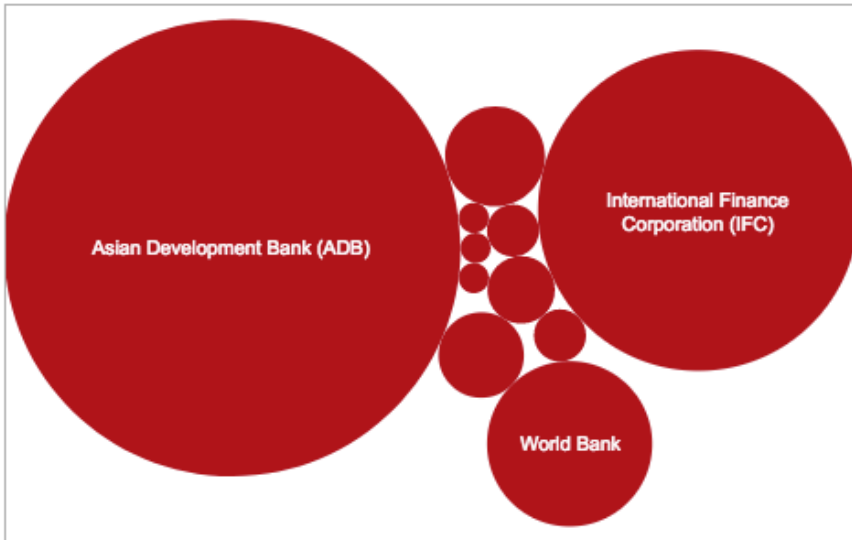
<http://rightsindevelopment.org/>

Projects by Country - Disclosed May 1, 2016 - May 31, 2017

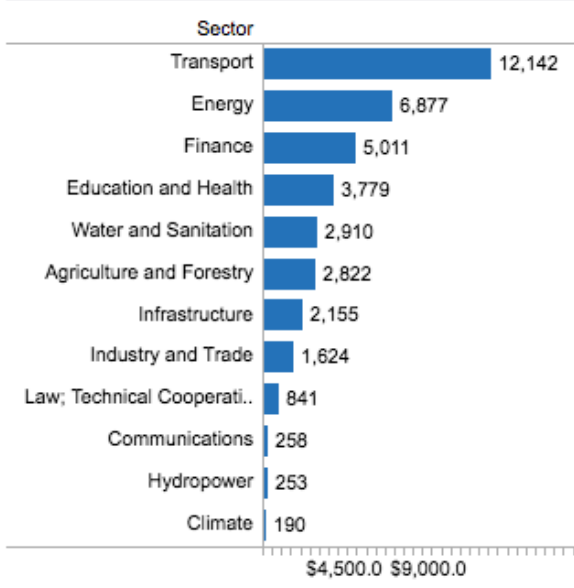


Project List				
Country	Project Name	Project Number	Sector	Value
	Equity Investment in CreditAccess Asia	ADB-50239-001	Finance	64 mill. USD
	Policy Coordination and Planning of Border Economic Zones of th..	ADB-49400-001	Industry and Trade	0 mill. USD
Singapore	ISC Jungle SeedPlus	IFC-38844	Finance	2 mill. USD
	United Asia Loan Funding	IFC-36792	Finance	80 mill. USD
Thailand	Distributed Commercial Solar Power Project	ADB-49366-001	Energy	47 mill. USD
	Thailand: Strengthening Integrated Water Resource Pla..	ADB-50023-001	Water and Sanitation	1 mill. USD
	TMB RSF 2	IFC-39080	Finance	150 mill. USD
	TMB SF	IFC-38574	Finance	34 mill. USD
Vietnam	Bel Ga JSC	IFC-38011	Agriculture and Forestry	4 mill. USD
	Enhancing Readiness for Solar Power Deployment in Viet Nam	ADB-51092-002	Energy	0 mill. USD

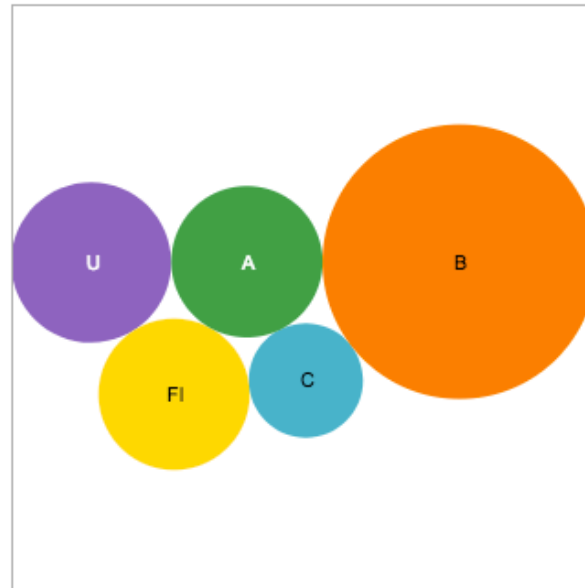
Count of Projects by Bank

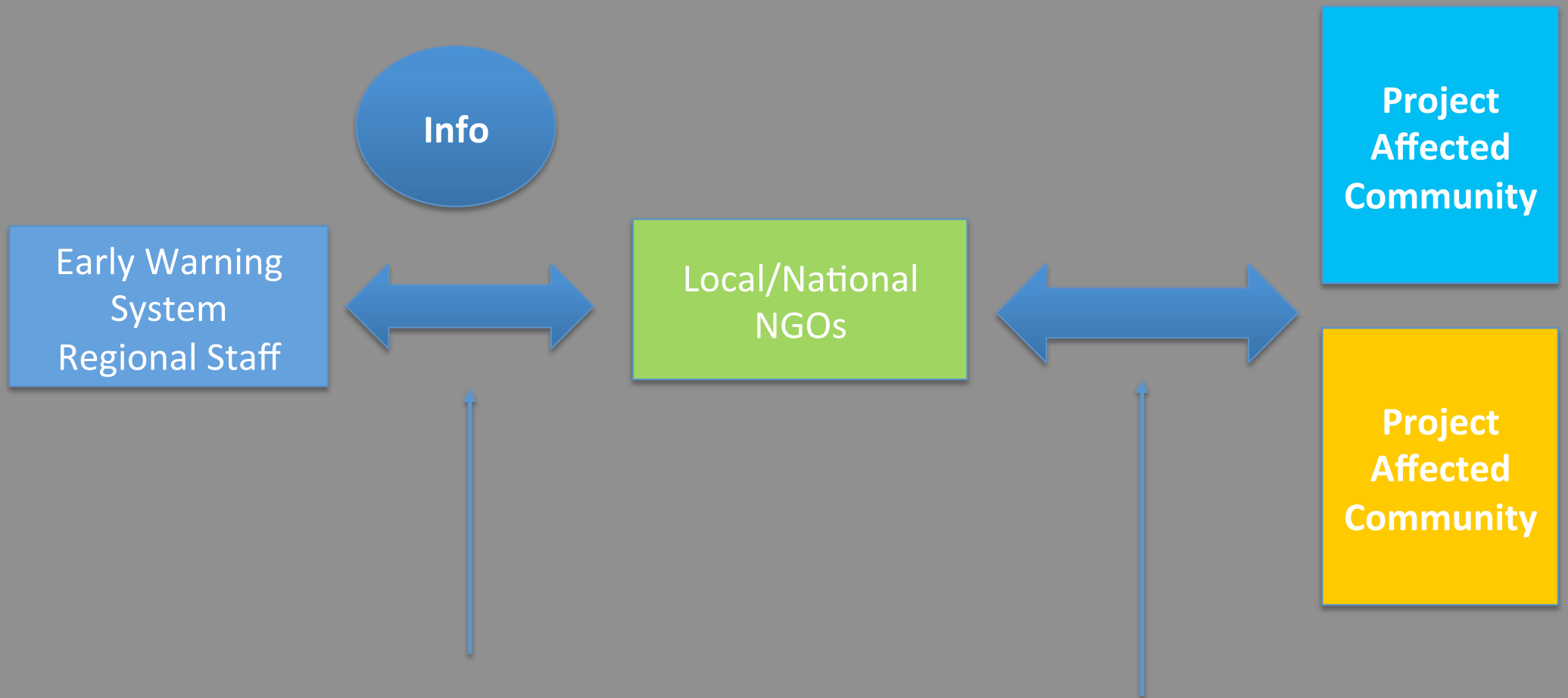


Financing by Sector (mill USD)



Projects by Risk Category





Prioritizes and drafts analysis in collaboration with partners.
Analysis published on website.
Alert subscriptions.
 Individual **outreach**.

Community outreach meetings.
Workshops on development finance, strategy, accountability mechanisms.

Ways to Collaborate:

- Disseminate information about proposed projects to local civil society and communities
- Contribute your expertise to understand proposed projects
- Support community-led research and mobilization of data
- Coordinate outreach and advocacy with local communities
- Share community-led tactics with other communities

Work with the Early Warning System!

- Visit our website: www.rightsindevelopment.org/ews
- Sign up to receive alerts for new projects



A Critical Look at ADB and its policies to mitigate Environmental and Social impacts

By

Rayyan Hassan, Executive Director

NGO Forum on ADB

ADB's Socio-Environmental Impact Policy History

- ADB's Involuntary Resettlement Policy (1995), Policy on Indigenous Peoples (1998), and Environment Policy (2002)
- ADB Project Disasters:
- Marcopper Mining Disaster 1994: Mercury Poisoning, Displacement Livelihood Loss
- KJDRP Bangladesh 1996-1998: 40,000 Households displaced, Massive waterlogging of arable lands
- Cambodia Highway 1 project 2000's: Displacement, Livelihood loss.
- (www.forum-adb.org): Visual testimony of 50 years of ADB Disasters

ADB Safeguard Policy Statement 2010

ADB SPS 2010 :

- Involuntary Resettlement
- Environment
- Indigenous Peoples

Policy Does NOT include Issues:

- Labor
- Gender
- PWDs
- Human Rights
- Fragile and Conflict Areas

ADB SPS 2010: Realities

- Objective: **To protect the people and environment** from the potential harm of an ADB project. Governments or private companies must adhere to these policies throughout the project preparation, implementation and monitoring.

ADB Operations Structure on ADB SPS 2010 Delivery

- ADB HQ: SDCC Custodian of ADB SPS 2010
- ADB Regional Departments: SERD, SARD, CARD etc.
- ADB Resident Missions in Borrowing Governments

Project Categorization

- Cat A, Cat B, Cat C, Cat FI (Financial Intermediary)

EIA: Cat A, IRP, IPP

IEE: Cat B, IRP, IPP

Cat FI: Subproject Cat A, ADB SPS 2010 FI's will deliver and conduct self reporting to be submitted to ADB

ADB SPS 2010 Delivery

(ADB IED Report 2015)

ADB's delivery of Safeguards is not adequate

- a) Safeguard Specialists have very little field site engagement
- b) Over Reliance on Consultants on Safeguards Work
- c) No Institutional Guideline to Deliver ADB SPS 2010 exists till date...
- d) Lending to Autocratic Regimes stifles ADB SPS 2010 Delivery
- e) FIs have poor record on delivering Safeguards Reports

ADB Accountability Mechanism

“ADB's Accountability Mechanism provides a forum where people adversely affected by ADB-assisted projects can voice and seek solutions to their problems and report alleged noncompliance with ADB's operational policies and procedures.”

Source: ADB Website

CRP: Compliance Function.

Eligible complaints will be evaluated against all ADB Policies including ADB SPS 2010. Independence: Answerable to ADB Board

OSPF: Problem Solving

Answerable to President

AM Stakeholder Engagement:

- Affected Community
- Civil Society Representatives
- Borrower: Government, Private Company
- ADB Management
- Associated Agencies, Consulting Firms

Case: Cambodia GMS RAILWAY REHABILITATION PROJECT

Accountability Mechanism Experiences

1 year in OSPF Process
Over 8 years in CRP Process
Over 3500 Families Displaced
2 Children Died in Resettlement Site
3 people recently murdered
Compensation Still being Disbursed
Coercion by Govt continues
Insurmountable Debt after Relocation

A woman desperately making ends meet in a resettlement site in Poipet province.



FIND OUT MORE:

**[www.RightsinDevelopment.org/
HRD](http://www.RightsinDevelopment.org/HRD)**

contact@rightsindevelopment.org