

May 21, 2014

President Jim Kim  
The World Bank  
1818 H St. NW  
Washington, DC 20433

## **8 Minimum Elements for a Safeguards Framework that Protects People and Communities**

Dear President Kim;

We write to you as members of the Bank on Human Rights Coalition, a global coalition of social movements, civil society organizations, and community groups working together to ensure that all development finance institutions respect, protect and fulfill human rights.

The realization of fundamental human rights is essential for the achievement of the Bank's core development goals of poverty reduction and shared prosperity. Moreover, as recent high-profile projects<sup>i</sup> have shown, the Bank cannot deliver effective and sustainable development if it does not adequately assess and address human rights risks.

The majority of development institutions globally have acknowledged this reality<sup>ii</sup>, while the Bank unfortunately has fallen behind its peers and the international community. The safeguards review presents a critical opportunity for the Bank to realign its policies and practices with best practice.

As you review the first draft of the new integrated environmental and social safeguards framework, we urge you to ensure that it includes the following minimum substantive elements necessary to support borrowers in development effectiveness and ensure that individuals and communities are not harmed by Bank-financed projects:

1. Contain an explicit commitment that the Bank will not support any activities that will cause, contribute to or exacerbate human rights violations.
2. Contain an explicit commitment to non-discrimination, and substantive equality within Bank activities, consistent with all forms of discrimination identified in international law. Require assessment of discrimination and marginalization when analyzing project risks and impacts. Work to ensure that all Bank-supported activities are accessible and inclusive of persons with disabilities.
3. Ensure full and effective participation and decision-making by indigenous peoples and affected communities and marginalized groups in development processes, consistent with requirements under international law. This includes requiring participatory processes for project identification, preparation, social and environmental assessment, monitoring, implementation, and evaluation, with full information provision in local and accessible languages, including translation of the safeguards themselves.
4. Require due diligence to ensure the Bank does not support activities that will cause, contribute to or exacerbate human rights violations. This includes screening projects based on their social and environmental risk, and requiring social impact assessment for all projects with significant anticipated social impacts. Social assessment should be clearly defined to include human rights-related issues and indicators.

5. The safeguard policies should refer to and be guided by key relevant international human rights instruments, such as the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights with its two Protocols, the International Covenant on Economic, Social and Cultural Rights, the UN Declaration on the Rights of Indigenous Peoples, ILO Convention 169, the core ILO labor standards, the Convention on the Rights of Persons with Disabilities, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All forms of Discrimination Against Women, the Convention on the Rights of the Child, and regional human rights treaties.
6. Ensure that safeguards effectively meet their purpose by including coverage of all bank lending instruments; ensuring adequate capacity and resources for safeguard implementation, monitoring and supervision; providing loan agreement compacts that require adherence to the safeguards; and establishing staff incentive structures that reward inclusive, sustainable development which reaches marginalized communities and adheres to the safeguard policies.

Because Phase 2 of the review process will be the first time that civil society has the opportunity to view an actual draft of the proposed safeguards, the consultation process for Phase 2 needs to be robust and representative, including the following procedural elements to ensure meaningful participation by those individuals and communities the safeguards are designed to protect:

7. Hold and recognize representative in-country consultations that are accessible to affected communities, indigenous peoples, grassroots organizations, persons with disabilities, and other marginalized groups. This will require active outreach and engagement by the Bank and country offices to ensure that these groups are informed about the review, have access, and have a meaningful opportunity to engage.
8. Re-engage the thematic expert groups that were convened during the first consultation phase in order to provide technical feedback on the proposed draft.

We respectfully urge you to ensure that these substantive and procedural elements are included in the first draft safeguards framework and consultation plan.

Sincerely,

Center for International Environmental Law  
Chiadzwa Community Development Trust – Zimbabwe  
Conectas Direitos Humanos – Brazil  
Forest Peoples Programme  
Human Rights Watch  
Inclusive Development International  
International Accountability Project  
International Disability Alliance  
Lumiere Synergie pour le Developpement/LSD – Senegal  
NGO Forum on the ADB  
Social Justice Connection – Canada  
Society for Democratic Initiatives – Sierra Leone

cc: CODE Members

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<sup>i</sup> See for instance, “CAO Audit of IFC Investment in Corporación Dinant S.A. de C.V., Honduras,” December 20, 2013; and Inspection Panel, “Eligibility Report, Ethiopia: Protection of Basic Services Program Phase II Project Additional Financing (P121727) and Promoting Basic Services Phase III Project (P128891),” February 8, 2013.

<sup>ii</sup> See the World Bank and Organisation for Economic Co-operation and Development (OECD), *Integrating Human Rights into Development: Donor Approaches, Experiences and Challenges*, 2nd ed. (Washington DC: World Bank, OECD, 2013), pp. 4-6.