World Bank Leaves Holes in Safety Net  
*Civil society groups to hold Bank accountable for human rights outcomes*

(August 8, 2016) On Thursday, the World Bank approved a new Environmental and Social Framework to replace its existing safeguard policies. Members of the Coalition for Human Rights in Development criticized the missed opportunity to adopt robust protections for the human rights of communities impacted by Bank projects, and committed to holding the Bank accountable for the outcomes of the new policy.

The **Coalition for Human Rights in Development** is a global coalition, whose member organizations around the world have engaged in the review of the World Bank safeguard policies – those policies designed to protect communities and the environment from harm – during a four-year review process. While the groups welcomed some improvements with the new draft, including provisions on non-discrimination, they criticized the shift in the overall framework to looser protections for communities impacted by Bank-financed development projects.

“Throughout the review process, civil society groups from around the world have expressed their concerns in relation to a possible dilution of the safeguards, and have asked the Bank on many occasions to include strong human rights protections in the new framework,” said Gonzalo Roza, with Argentina-based Fundación para el Desarrollo de Políticas Sustentables. “Seeing the final policy, it seems that the Bank and our governments adopted some beneficial provisions, but didn’t meaningfully take into consideration civil society’s input on critical issues.”

Labor groups welcomed the addition of a new policy on labor, but criticized the lack of coherence with international standards on the rights of workers. “The new policy will, for the first time ask the borrowing countries to abide by some basic workers’ rights and working conditions in Bank-financed projects,” said Ahmad Awad, of the Jordan-based Phenix Center for Economics & Informatics Studies.” Unfortunately, it leaves workers at risk by failing to include core labor standards and suggesting that freedom of association in projects financed by the Bank will not be required in countries that do not have national laws protecting this right.”

Indigenous peoples organizations have raised serious concerns regarding the new revised policy on indigenous peoples. “The proposed new policy represents a step forward from the existing policy in that it includes a requirement for free, prior and informed consent from indigenous peoples, however, it still fails to meet international human rights standards by defining consent as “collective support” rather than ensuring respect for the results of affected indigenous peoples’ independent and collective decision-making processes,” said Prabin德拉 Shakya, with Asia Indigenous Peoples Pact. “Further, the requirement of FPIC is restricted to very narrow situations rather than all projects that impact indigenous peoples as identified in participatory assessments.”

Two other major criticisms regarding the new policy on indigenous peoples are that it weakens the requirement that indigenous peoples benefit from commercialization of their resources and replaces the legally recognized term “Indigenous Peoples” with the confusing phrase “Indigenous Peoples/Sub-Saharan African Historically Underserved Traditional Local Communities” in response to certain governments who do not want to recognize “indigenous peoples”. “The bank should understand that there are no international protocols or treaties that speak of ‘Sub-Saharan African Historically Underserved Traditional Local Communities’ and this retrograde terminology should
not be introduced in the 21st century where indigenous people know and understand their rights,” said Jackson Shaa with the Narasha Community Development Group in Kenya. “The suffering we are experiencing due to World Bank projects is enormous and the Bank should understand that we are human beings and we need our rights to be respected.”

Women’s rights and LGBTI groups criticized the fact that the Bank did not include meaningful safeguards on gender or sexual orientation and instead removed references to various groups which might be at risk of discrimination out of the main text and into a separate directive, decreasing the visibility of these groups. “Women’s and LGBTI groups are disappointed that the Bank refused to finally create a gender safeguard to prevent harmful impacts on women and sexual minorities and ensure they enjoy full access to development benefits,” said Elaine Zuckerman of Gender Action. “A separate directive listing women and LGBTI persons within a string of ‘vulnerable groups’ does not substitute for a deserved safeguard against gender discrimination.”

While the new safeguards framework includes provisions to prevent discrimination in Bank-financed projects and an aspirational reference to human rights within its vision statement, it does not include a commitment to respect human rights or a binding requirement that projects not contribute to human rights abuses. In fact the references to human rights conventions or guidelines were removed from the main text.

“The Bank and its members have an obligation to respect human rights and to ensure that they are not financing human rights abuses, and they missed a big opportunity to do that,” said Gretchen Gordon, Coalition Coordinator. “But regardless of what this new policy framework requires, the Bank and its member countries are still accountable for their human rights impacts and so we will continue pushing them to strengthen rights protections, and we’ll continue working with civil society to monitor projects and ensure that local communities’ rights are respected.”

Now that the policy is approved, the Bank will begin development of procedures and guidance notes to facilitate implementation, and Coalition members urged the Bank to use these tools to remedy shortcomings in the policy framework.

“The lack of binding requirements to uphold human rights and provide appropriate remedy for violations, the weakened requirements for use of national regulatory systems or financial intermediaries, as well as a lack of requirements to disclose real information about potential impacts at project level leave communities unprotected in World Bank financed projects,” said Sukhgerel Dugersuren, of OT Watch Mongolia. “I see this as an obvious move away from its mandate to reduce poverty around the world.”

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