Tools for Environmental and Human Rights Defenders: Demystifying Development Banks

February 16, 2017
PROGRAM

I. The connection between development finance and defenders
Jessica Evans, Human Rights Watch

II. How development banks work and how to access information
Juan Carballo, Fundación para el Desarrollo de Políticas Sustentables, FUNDEPS

III. Policies and complaint mechanisms
Kris Genovese, Centre for Research on Multinational Corporations, SOMO

IV. Advocacy strategies and campaigns
Anna van Ojik, BothENDS and Mark Fodor, CEE Bankwatch
The connection between development finance and defenders

Jessica Evans,
Human Rights Watch
HOW BANKS WORK AND HOW TO ACCESS INFORMATION

Tools for Environmental and Human Rights Defenders: Demystifying Development Banks

Juan Carballo, FUNDEPS - Foundation for the Development of Sustainable Policies
public finance institutions

Loans, grants, guarantees, technical assistance, equity investments

governments, private sector

Projects, Programs, Policies
public finance institutions

Loans, grants, guarantees, technical assistance, equity investments

governments, private sector

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Projects, Programs, Policies
public finance institutions → Loans, grants, guarantees, technical assistance, equity investments → governments, private sector → Projects, Programs, Policies
PROJECT CYCLE

Identification
Preparation
Appraisal
Approval
Implementation
Monitoring & Evaluation
SOURCES OF INFORMATION
An accountability hub for defending land, housing and resource rights

This resource is for advocates working to support communities who have been affected by harmful investment projects. It will help you follow the money to identify and analyze the companies, investors and other actors behind these projects. It also explains how to collect evidence and develop tailored advocacy strategies to hold these actors accountable and defend land, housing and resource rights.

This resource is informed by the lessons learned and real-life experiences of community advocates throughout the world. It draws on the strategies that communities have used to successfully challenge harmful investments and shape development in their regions.

Get Started
SOMO Services offers tailor-made corporate investigations that provide useful, clear and strategic analysis. SOMO Services builds on more than forty years’ experience researching companies and evaluating their performance in relation to sustainable development. We understand the specific needs and challenges of civil society organisations with respect to corporate research. We specialise in:

**Company Research**
SOMO Services offers the information you need on a company, everything from its structures, finances, business and communications strategies, even its offshore accounts and tax avoidance.

**Sector Research**
SOMO Services’ professionals have both extensive and detailed knowledge about key sectors, markets and their dynamics. Our sector research includes business strategy analyses and benchmark analyses drawn from a wide variety of sources and methodologies.

**Supply Chain Research**
SOMO Services investigates the supply chains of global products and individual companies to assist organisations in preventing, exposing or putting a stop to labour or human rights violations, corruption and unsustainable practices.

**Public Policy Analysis**
SOMO Services conducts detailed research and analysis on the impact of public policies at national, EU and international levels.
HOW TO GET INFORMATION ABOUT THE PROJECTS

[Image of Fundación para el Desarrollo de Políticas Sustentables (FUNDEPS) logo]

[Image of World Bank and IDB websites with highlighted sections for Projects & Operations and search filters for countries, sectors, and project types]
<table>
<thead>
<tr>
<th>Project Number</th>
<th>Country</th>
<th>Sector</th>
<th>Project Title</th>
<th>Financing</th>
<th>Status</th>
<th>Approval Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>AR-L250</td>
<td>Argentina</td>
<td>PRIVATE FIRMS AND SME DEVELOPMENT</td>
<td>Connectivity Program of the northern provinces in the Belgrano Plan</td>
<td>40.00</td>
<td>Preparation</td>
<td>Preparation</td>
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<tr>
<td>AR-L251</td>
<td>Argentina</td>
<td>RURAL DEVELOPMENT</td>
<td>Management of Agricultural Safety and Quality II</td>
<td>100.00</td>
<td>Preparation</td>
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<tr>
<td>AR-L252</td>
<td>Argentina</td>
<td>WATER AND SANITATION</td>
<td>Barazategui Sewage-Outfall</td>
<td>50.00</td>
<td>Preparation</td>
<td>Preparation</td>
</tr>
<tr>
<td>AR-L253</td>
<td>Argentina</td>
<td>REFORM / MODERNIZATION OF THE STATE</td>
<td>Program of Institutional Strengthening of the National Institute of Statistics</td>
<td>50.00</td>
<td>Preparation</td>
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<td>AR-L254</td>
<td>Argentina</td>
<td>TRANSPORT</td>
<td>San Martin Railway Improvement Plan: Retro-fit Branch</td>
<td>3000.00</td>
<td>Preparation</td>
<td>Preparation</td>
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</tbody>
</table>
Metropolitan Areas Urban Transport Project

**Overview**

- **Project ID**: P181393
- **Country**: Argentina
- **Region**: Latin America and Caribbean
- **Status**: Active
- **Approval Date**: January 27, 2017
- **Closing Date**: N/A
- **Total Project Cost**: US$ 63.10 million
- **Commitment Amount**: US$ 45.00 million
- **Team Leader**: Camila Rodriguez Hernandez

**Latest Project Documents**

- **Appraisal Project Information Document**
- **Safeguards Data Sheet**

**Project Information**

- **Project Number**: P181393
- **Country**: Argentina
- **Sector**: Private Firms and SME Development
- **Subject Area**: Private Firms and SME Development Integrated Regional/Local Economic Development
- **Project Type**: Loan Operation

**Financial Information**

- **Estimated Total Cost**: USD 40,000,000
- **Estimated IDB Financing**: USD 40,000,000
- **Financing Type**: Investment Loan
- **Fund**: Ordinary Capital
- **Reporting Currency**: USD - United States Dollars
- **Amount**: USD 40,000,000
HOW TO REQUEST INFORMATION

Access to Information Request Submission

In order to provide efficient service delivery for Access to Information requests, the World Bank's case management system allows users to track the status of their requests and communicate with the World Bank. Therefore, you will be directed to create a username and password, after which a request may be submitted.

Please click here to create an account and submit an Access to Information request or access your existing account using our secure server.
GETTING INFORMATION FROM THE GOVERNMENT

Step 1: Define information needs

Step 2: Preliminary research

Step 3: Request Information

Step 4: Monitoring the requested information

Step 5: Claiming Information

Step 6: Evaluate the information
Introduction

In January 2012, SOMO received a grant for its work on business and human rights under the Human Rights Fund of the Dutch Ministry of Foreign Affairs. The four-year programme focuses on non-judicial grievance mechanisms in relation to business and human rights, and includes: capacity building of civil society organisations; analysing and testing existing grievance mechanisms; supporting human rights defenders; researching corporations; national and international advocacy to strengthen existing mechanisms; and developing proposals for effective grievance mechanisms to ensure access to remedies.

The programme builds on the extensive knowledge of SOMO and its partners on human rights issues relating to business activities in developing countries as well as their experience with grievance mechanisms through the OECD Watch network in particular. The programme provides scope for cooperation with and support for civil society organisations worldwide to support them to improve the effectiveness of and access to redress mechanisms in their country or region.

Background

With the declining power of states and the increasing power of multinationals, it is necessary to have a strong civil society acting as a countervailing power able to ensure that corporate practices contribute to poverty reduction and sustainable development with respect for human rights. Therefore, civil societies need sufficient knowledge and capacity, as well as accessible and effective instruments, to influence the policy developments and to raise awareness about the impact of international business on everyday life.

One of the main instruments for encouraging companies to improve their human rights policy and practice is the use of non-judicial grievance mechanisms. These play an essential role in complementing and supplementing judicial mechanisms. Such mechanisms exist at intergovernmental, regional, national, sectoral and company level. They can be used by victims of business-related human rights violations and/or by the civil society organisations that represent them. However, these mechanisms do not always function effectively and are sometimes hard to access, especially for people and organisations in developing countries, who often lack the necessary knowledge, resources and/or capacity.

In 2008, the United Nations (UN) adopted an important framework for business and human rights: the 'Protect, Respect and Remedy' framework. Building on this, the UN Guiding Principles for business and human rights were adopted. These specify the obligations of governments to protect human rights, the responsibility of business to respect human rights, and the need for effective access to remedies.

It is in this context that the SOMO programme will seek to improve access to remedies through non-judicial grievance mechanisms.

Human Rights & Grievance Mechanisms

Improving the effectiveness of grievance mechanisms on business and human rights for civil society organisations

Summary of four-year SOMO programme funded by the Dutch Ministry of Foreign Affairs, Human Rights Fund, 2012-2015

Objectives

Capacity building
Strengthening the capacity of civil society organisations, communities, workers and human rights defenders to apply grievance mechanisms governing business and human rights.

Effectiveness and access to grievance mechanisms
Improving the effectiveness of and access to grievance mechanisms for local stakeholders who experience adverse human rights impacts as a result of business activities.

Advocacy
Improving national and international regulatory frameworks to ensure strengthened and new grievance mechanisms at the appropriate levels for the protection of human rights and adequate access to remedies.
Introduction

In January 2012, SOMO received a grant for its work on business and human rights under the Human Rights Fund of the Dutch Ministry of Foreign Affairs. The four-year programme focuses on non-judicial grievance mechanisms in relation to business and human rights, and includes:

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- analysing and testing existing grievance mechanisms;
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- researching corporations;
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Policies and Requirements

- Bank Obligations = Policies

- Client obligations:
  - ESIA
  - Labor and Working Conditions
  - Resource efficiency and Pollution Prevention
  - Community Health, Safety, and Security
  - Land acquisition and Involuntary resettlement
  - Biodiversity Conservation
  - Indigenous Peoples
  - Cultural Heritage
  - Stakeholder engagement/FIs/other
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- Advocacy: Improving national and international regulatory frameworks to ensure strengthened and new grievance mechanisms at the appropriate levels for the protection of human rights and adequate access to remedies.

independentaccountabilitymechanism.net
What they are

- Compliance
- Problem Solving
- Advisory
- Or a combination
- Yours!
What they are NOT

- Not a substitute for judicial mechanisms
- Only half of the response
- No authority to stop project
- Only as good as the standards they enforce
- Must be part of a larger campaign
What you need to know

- Rules
  - Who? Confidentiality?
  - When?
  - About what?
  - Contact with Management first?
  - What information needed?
- Important deadlines
- Sample complaints
Who is filing the complaint?

- Who are the complainants?
- Are they directly affected by the activity?
  - Decision-making
  - Spokespeople
  - Capacity
  - Communication
  - Allies
What do you want to achieve?

- What do you want?
  - Awareness raising
  - Remedy for harm
  - Fact-finding
  - Stop the project
- Mediation or Compliance? Both?
Follow-up and Follow Through

- Answer questions
- Site visits
  - Suggested meetings
  - Logistics
  - Preparation
- Comment on drafts
- Lobby
- Use media
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Resources

- grievancemechanisms.org
- k.genovese@somo.nl
Advocacy Strategies and Campaigns

Anna van Ojik, Both ENDS
and
Mark Fodor, CEE Bankwatch
First assess…

- Aim
- Leverage
- Costs/Benefits
- Combine!
- Look for Allies
Advocacy Strategies

- Dialogue
- Political pressure
- Public campaign
- Media
- Complaint
- Legal process
Example:

Agua Zarca case, Honduras
Advocacy Strategies Used:

- Dialogue
- Political pressure
- Public campaign
- Media

JUSTICE FOR BERTHA CÁCERES
Stop FMO funding
Agua Zarca project
Protest: Friday April 22nd
2pm, FMO headquarters
Anna van Saksenlaan 71
2593 HW Den Haag
Why was this successful?

- International coalition
- International attention
- Combining advocacy strategies
- Voice of affected people being heard
- “Inside/Outside” strategy
Lessons learned

- Power: ability to act
- Key: the right avenue
- Risks/limitations: beware and be aware