

RECOMMENDATIONS

As indicated in this report, DFIs' clients are often directly responsible for the reprisals occurring in the context of their projects and have incentives to avoid disclosing information related to reprisals. Implementing zero tolerance for reprisals requires DFIs to stop entrusting their clients with reprisal risk assessment and response, unless the clients have actively worked with directly affected communities and defenders to earn their trust first. DFIs cannot uncritically delegate reprisal risk assessment and response to clients.

Instead, DFIs should develop protocols and guidelines for what they will do themselves on reprisal issues. These protocols and guidelines must cover the entire project cycle and should be prepared in close consultations with those who have directly experienced reprisals in the context of development projects, as well as with the wider community and their allies, including CSOs specializing in human rights issues.

Under these protocols and guidelines, DFI should:²⁶⁹

1. Assess reprisal risks and respond when reprisals occur

- a. Carry out an initial reprisal risk assessment, related to contexts and clients, through reprisal-sensitive consultations with communities directly affected by the project or policy. This assessment should precede any further steps on the project.
- b. Continue to independently assess reprisal risks related to contexts and clients, on an ongoing basis throughout the project lifecycle, as part of holistic human rights due diligence. Communities must be given the opportunity to actively and safely participate in this ongoing monitoring of the project.²⁷⁰
- c. Take the lead: if there are allegations of reprisals, work directly with the person or peoples facing reprisals in a reprisal-sensitive manner to respond to reprisals.

2. Strengthen capacity and incentives of bank staff, management and consultants to prevent and respond to reprisals

- a. Strengthen internal capacity to provide oversight and supervision for the implementation of environmental and social safeguards.
- b. Invest in staff capacity to independently verify information from clients to assess reprisal risks and develop protocols to respond to reprisals independently from clients. For higher risk contexts, this should include reprisal-sensitive field visits in the project preparation phase, where the banks can engage directly with communities, independently from the client.
- c. Align incentives of staff, management and consultants to avoid reprisal risks, including implementing concrete adverse consequences for inadequate due diligence or failure to respond to cases of reprisals.
- d. Build in-house capacity on reprisal prevention and response, and maintain a roster of independent experts on reprisal prevention and response, ensuring they adhere to specific guidelines to avoid conflicts of interest.

3. Align client incentives (including by implementing negative consequences) to avoid reprisal risks and respond when reprisals occur

- a. Require clients to provide greater information transparency and disclosure around reprisal risks and cases of reprisals.
- b. Align client incentives and develop capacity to prevent reprisals and support a human rights-based response to cases of reprisals.
- c. Develop consequences for clients who withhold information about reprisal risks, fail to act in good faith in response to allegations of reprisals, or actively suppress dissent. Consequences can include higher borrowing costs, blacklisting, remedy framework, etc.

²⁶⁹ A more comprehensive list of recommendations for DFIs, related to the assessment of reprisal risks and the prevention and response to reprisals in the context of development projects, can be found in the reports this analysis is based on: Uncalculated Risks (2019), Unhealthy Silence (2021) and Wearing Blinders (2022).

²⁷⁰ For more information on HRDD to avoid reprisal risks please see the recommendations in the report "Wearing Blinders".