



November 8, 2012

Dr. Jim Yong Kim
President
World Bank Group
1818 H Street NW
Washington, D.C. 20433
USA

Re: World Bank Group Should Commit to Human Rights

Dear President Kim,

We write to congratulate you on your appointment as president of the World Bank Group (WBG). In this position, you have the opportunity to provide global leadership in the pursuit of poverty eradication and sustainable development. We were pleased to hear in your recent remarks to the United Nations that restoring the World Bank's role in the international system is a priority for your future work. To achieve this goal, it will be essential to ensure that the WBG fully upholds human rights and acts consistently with international human rights law.

The WBG's mission is to improve people's lives by reducing global poverty. But a focus on poverty reduction should be accompanied by an emphasis on protecting the human rights of people living in poverty. This is not just necessary as a matter of international law but also to ensure poverty reduction efforts are sustainable and inclusive. WBG-funded projects can lead to human rights violations, for instance when security forces crackdown on protestors opposing a project, violating, amongst others, the rights to free expression, assembly, and association; when people are forcibly evicted in violation of international law, violating their rights to adequate housing and other social and economic rights; or when the labor rights of those working on a project site are abused. The WBG can prevent human rights abuses related to its activities by identifying and addressing potential negative human rights impacts.

The current policies of the WBG and their implementation are not sufficient to prevent or address the adverse impact on human rights that lending may have. The diversification of lending instruments and activities supported by the WBG are governed by a patchwork of inconsistent and increasingly vague policies that leave too much room for interpretation.¹ For instance, on September 25, 2012, the World

¹ Civil society organizations have expressed concern that the policy governing Program-for-Results operations, and more recently, changes to investment lending policies have removed critical detail that could result in weakened protection for communities and the environment. See for example, a letter from Human Rights Watch, Center for International Environmental Law, and 38 other civil society organizations to the World Bank, outlining their concerns. Human Rights Watch, "Joint Letter to President Kim Re. World Bank Policy Revisions," September 6, 2012, <http://www.hrw.org/node/111229>.

Bank approved a project which funds, at least indirectly, ongoing forced resettlement of indigenous peoples and other marginalized ethnic groups in Ethiopia, without applying the institution's safeguard policies on involuntary resettlement and indigenous peoples.² In other cases, even this patchwork of policies has been abandoned in favor of allowing funds to be disbursed without ensuring any protection for communities or the environment.

The WBG should commit to human rights standards in all of its activities, including investment lending, extending to recurrent expenditures; development policy lending; the newly adopted program for results; and technical assistance. As a starting point, the WBG should itself undertake and require borrowers to undertake adequate human rights due diligence for all of its activities and ensure that effective mechanisms are in place to implement these policies and address potential adverse human rights impacts. The upcoming review of the World Bank's safeguard policies is a key opportunity to signal to the world that the Bank is ready to change.

In addition to avoiding negative impacts, respect for human rights can support sustainable, inclusive development in important ways. Many people living in poverty are victims of discrimination, including women, indigenous peoples, and persons with disabilities, as the WBG has increasingly recognized, but also people discriminated against on the basis of their ethnicity, religion, political opinion, sexual orientation, or other status. Human rights standards provide a useful tool to address inequality and entrenched discrimination, and to ensure that development outcomes reach the most marginalized members of society. These standards can help to increase access to justice, strengthen civic participation, and enhance accountability. They also protect the rights of indigenous peoples.

Commitment to human rights is not just a matter of good policy; it is also a political commitment and legal obligation of all member states as governors of the WBG and of states in which WBG programs are implemented. WBG member states cannot set aside their obligations to respect, protect, and fulfill human rights when they enter the boardroom or when they sign a loan agreement. Further, as a UN specialized agency, the WBG must act consistently with the UN Charter, which requires "[u]niversal respect for, and observance of, human rights and fundamental freedoms for all..."³ The UN Committee on Economic, Social and Cultural Rights has also stated that the World Bank "should act as [an] advocate of projects and approaches which contribute ... to enhanced enjoyment of the full range of human rights."⁴ Individually and collectively, member states have the duty to ensure that their decisions do not lead to

² The project is going ahead despite lack of consultation; the violent methods used by security forces in conducting the resettlement, which have included arbitrary arrest, beatings, and killings; and evidence that the right to food, water, health, and education are not being progressively realized through this project, but rather people have reduced access to these basic services in the new villages.

See, Human Rights Watch, *Ethiopia—“Waiting Here for Death”: Forced Displacement and ‘Villagization’ in Ethiopia’s Gambella Region*, January 2012, <http://www.hrw.org/reports/2012/01/16/waiting-here-death>.

³ Charter of the United Nations, art 55.

⁴ UN Committee on Economic, Social and Cultural Rights, General Comment 2 (1990), para. 6 and 8 (d).

human rights violations. This duty is also reflected in the UN Guiding Principles on Business and Human Rights, which were adopted by the UN Human Rights Council last year.⁵

Incorporating effective policies and mechanisms to fully integrate human rights into the WBG's activities would be a signature achievement for the institution and would immensely benefit the people the WBG's work seeks to support. However, considering the history of this debate at the World Bank, such measures will be a challenge to secure and will require your leadership and sustained engagement with member states and the board of directors to garner their support. We welcome the opportunity to work with you and the World Bank Group to further these objectives.

We would welcome an opportunity to meet with you to continue this conversation.

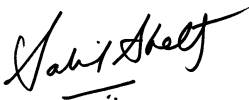
Sincerely,



Carroll Muffett
President
The Center for International Environmental Law



Kenneth Roth
Executive Director
Human Rights Watch



Salil Shetty
Secretary General
Amnesty International

⁵ The commentary to the UN Guiding Principles on Business and Human Rights, which were adopted by the UN Human Rights Council in 2011, support this in stating: "States retain their international human rights law obligations when they participate in [international financial] institutions." UN Human Rights Council, "Guiding Principles on Business and Human Rights: Implementing the United Nations 'Protect, Respect and Remedy' Framework," Guiding Principle 10 Commentary, A/HRC/17/31 (2011) p. 12.