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## **Section I: Fragility, Conflict, And Violence In The World (page 3-11)**

### **Section II: Framework For WBG Engagement In FCV**

#### **A. Guiding Principles (page 12-17)**

Clarifying the Bank's mandate - OHCHR welcomes the recognition on p.18, para. 65, of the potential for human rights abuses to cause or contribute to fragility and conflict, and the intention expressed throughout the draft strategy to engage more directly with "core governance" drivers and political economy issues (such as in paras. 19, 31, 49, 53, 64, 65, 68, 77, 86 and 90). At the same time para. 40 of the draft strategy notes that the Bank is prohibited from "interfering in the political affairs of any member". In OHCHR's view, it may be useful for the World Bank Group to clarify the application of IBRD/IDA Articles IV, s. 10 and Article III, s. 5(b) and corresponding provisions of the IFC Articles to ensure that these provisions are interpreted purposively, in a manner which enables the Bank to address root causes and core governance drivers of fragility and conflict. - OHCHR notes the existing legal authority of long standing for the Bank to address human rights dimensions of its mandated activities[1], but considers that clear updated guidance may assist to minimise misperception, reduce risk aversion, and pave the way for more creative and effective strategies and partnerships. This would appear to be particularly important in FCV contexts where government authorities may more often themselves be part of governance challenges, and/or where deprivation is attributable to overt oppression and exclusion rather than passive neglect or oversight, and/or where, for instance, discrimination on grounds of race, sex, national, ethnic or social origin, religion, political or other opinion or other status have clear negative economic impacts and are therefore prima facie within mandate. [1] Relevant references include Legal opinion of the General Counsel of the World Bank Group, 11 July 1995, reprinted in Ibrahim Shihata, THE WORLD BANK LEGAL PAPERS (2000) at 29; Ibrahim Shihata, THE WORLD BANK IN A CHANGING WORLD: SELECTED ESSAYS (1995) at 53-97; Ibrahim Shihata, The Dynamic Evolution of International Organisations: The Case of the World Bank, 2 J. HIST. INT'L L. 217, 246 (2000); and by analogy, Anne-Marie LeRoy, "Legal note on Bank involvement in the criminal justice sector," (Feb. 9, 2012), available at <http://siteresources.worldbank.org/INTLAWJUSTINST/Resources/CriminalJusticeLegalNote.pdf>.

Explicit human rights due diligence - OHCHR notes the discussion on non-financial risks in para. 59 and elsewhere, including risk of litigation, in FCV settings. In OHCHR's view, effective due diligence that includes identifying, preventing and mitigating human rights risks, and effective accountability mechanisms which can enable or (in appropriate cases) contribute directly to remedy, are not only good for sustainability but may help to offset reputational and legal liability risks.[1] Information and

recommendations of UN Charter-based and treaty-based human rights mechanisms[2] are readily available on-line and, together with advice and reporting from OHCHR, ILO, regional human rights organisations and other relevant actors, can strengthen country analytics and help to identify and address social risk factors within the scope of the World Bank Group's due diligence. - The utility and importance of explicitly factoring in analysis and recommendations from the UN human rights system was brought to light recently in connection with the reporting of the UN Human Rights Council's Independent International Fact Finding Mission on Myanmar (IIFFM), including analysis of the political economy of infrastructure, forestry and other development projects in Myanmar, and financial tracking of the economic interests of the military (Tatmadaw). Recommendations to investors and IFIs included the need for explicit human rights due diligence, avoidance of support for individuals suspected of international criminal activity, and avoidance of support for activities which may impede international criminal investigations. The IIFFM's analysis and recommendations have influenced investor behaviour, DFI procurement and due diligence practices, economic sanctions policies of governments, as well as the ongoing claim brought by The Gambia against Myanmar in the International Court of Justice under the Genocide Convention and the approach of the International Criminal Court, investigating international crimes with a link to Bangladesh. Similarly, the Independent Investigative Mechanism for Myanmar (IIMM), established by the UN Human Rights Council, has an ongoing mandate to compile individual criminal cases for prosecution in any current or future competent jurisdiction. - The February 2019 report of the UN Commission on Human Rights in South Sudan also includes a political economy analysis and extensive information on alleged perpetrators and individual and corporate complicity in international crimes, including specific military units and individuals in central and state government administrations, relevant to international development partners' country and conflict analytics and procurement, due diligence and Integrity Due Diligence procedures.[3] Similarly, in September 2019, the UN Human Rights Council decided to extend the mandate of the Commission of Inquiry on Burundi "in order for it to deepen its investigations, including into respect for and observance of political, civil, economic and social rights in the electoral context, with particular reference to the economic underpinnings of the State." [4] - Corporations and directors investing in FCV settings (which may include DFI clients and/or contractors) are increasingly finding themselves exposed to allegations of complicity in serious human rights violations or international crimes.[5] These trends underscore the importance of implementing explicit human rights due diligence as a routine component of DFI risk management systems. Explicit human rights due diligence would help to ensure that the fullest information relevant to procurement, project risk assessment and Integrity Due Diligence is routinely taken into account. [1] For an illustrative analysis see UN Doc. A/HRC/38/20/Add. 2 (June 1, 2018), available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/143/30/PDF/G1814330.pdf?OpenElement>. [2] See <https://www.ohchr.org/EN/HRBodies/Pages/HumanRightsBodies.aspx>. [3] See UN Doc A/HRC/40/CRP.1 (Feb. 20, 2019), available at <https://www.ohchr.org/EN/HRBodies/HRC/CoHSouthSudan/Pages/Index.aspx>, including pp.124-141 (political economy analysis of the oil sector), paras. 1014-1015 (linkages between security forces and the oil economy), and paras. 926-931 (on how to reconcile peace-building and justice objectives in South Sudan's context). [4] A/HRC/RES/42/26, para. 22 (emphasis added). [5] For recent examples see <https://www.nytimes.com/2019/11/07/business/lafarge-terrorism-syria.html>, concerning criminal proceedings against construction firm Lafarge and several of its executives over the company's operations in Syria, and UN Doc A/HRC/40/CRP.1 (Feb. 20, 2019), paras.676-680, concerning

prosecution of the CEO and chair of Swedish oil firm Lundin in relation to alleged crimes committed in the context of oil exploration in what is now South Sudan. Remedy -OHCHR acknowledges the repeated recognition in the draft strategy of grievance and injustice as conflict drivers and (at para. 23), the importance of building systems of accountability, and (at para. 116) the Bank's intention to work with countries to strengthen grievance mechanisms. Yet, in FCV settings, practical, effective remedy for people adversely affected by projects will often be absent. The draft strategy (in para. 59/non-financial risks, and elsewhere) makes repeated reference to the need for the Bank to accept a higher risk tolerance in FCV settings and to accept that negative (unremediated) outcomes will be more likely to occur. However, the draft strategy does not seem to adequately address adverse consequences to project-affected people of the Bank's increased risk-taking. Where adverse outcomes correlate to human rights violations and/or may fuel further violence or fragility, a more proactive and supportive policy approach to the question of remedy would seem to be warranted. - OHCHR notes that the Bank has directly contributed to remedy in numerous cases (such as the recent case of the Uganda transport sector project, on GBV issues), and has helped to enable remedy in many other cases, including through formal complaints to the WBG's accountability mechanisms. However, we note that the World Bank Group's approach to remediation seems to be reactive in nature and lack consistency. The FCV strategy process may offer the opportunity for reflection on how the WBG as a whole could implement a more transparent, planned response to contributing to and/or enabling remedy, within a larger "remedy eco-system" approach, predicated upon explicit recognition of the right to an effective remedy and a differentiated assessment of responsibility for harms on a case-by-case basis. Remedy can take many forms and can serve a valuable preventive (as well as corrective) function. Remedial mechanisms could include the establishment of a fund through which the Bank could, in appropriate circumstances and proportionate measure, contribute to remedy where projects its funds have caused or materially contributed to established social or environmental harms. In OHCHR's view, such an approach would not only assist to address drivers of fragility and conflict, but also to mitigate reputational and legal liability risks and exposure to litigation against the Bank. - The UN Guiding Principles on Business and Human Rights[1], and the example of the Dutch Banking Sector Agreement's recent paper on enabling remediation[2], could help frame the Bank's reflections on these issues including in relation to the factors to be considered when determining the nature of involvement with adverse impacts ('cause, contribute, direct linkage'), contributing to remedy, and how leverage may be exercised by the WBG as a whole to enable remedy in particular contexts. Even where the prospects for remedy in relation to a Bank-supported project have been exhausted, and the Bank has not contributed to particular harms directly, an explicit, transparent and proactive approach to the question of remedy, integrated within contractual conditions and policy dialogues, can strengthen legitimacy, build trust with communities in FCV settings, and strengthen norms and expectations for the provision of remedy by the State and other responsible actors beyond the project footprint. [1] See [https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\\_en.pdf](https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr_en.pdf). [2] See <https://www.imvoconvenanten.nl/en/banking/news/recommendations-remediation>

## B. Pillars of Engagement (page 17-29)

Gender and women's rights - OHCHR notes the recommendations of the Bank's Global Gender-Based Violence Task Force on the links between sexual violence and armed conflict and recommend that tackling sexual violence be included in references to preventing conflict and interpersonal violence.[1]

OHCHR disagrees with the contention in para. 72 of the draft strategy that, with exceptions, GBV “is addressed by reducing violence overall”, and recommends that the FCV strategy more explicitly recognise the importance of addressing the root causes of GBV. OHCHR suggests amending para. 72 to say “GBV forms part of a continuum of gender-based discrimination, which needs to be addressed as a priority together with targeted measures to achieve gender equality, the provision of holistic support and safety for victims of GBV and the prosecution of perpetrators.”, and “enhancing girls’ education, promoting education on gender equality for boys and girls and society-wide awareness on the importance of a zero tolerance approach to GBV, enhancing access to SRHR and promoting maternal and child care also contribute to GBV prevention.” - Finally, consistent with the Bank’s Gender Strategy (page 56), we would suggest that the draft FCV strategy recognise the importance of addressing child marriage, the negative impacts of which are intensified in FCV settings. [1] See also UNSC resolution 1888 (2009). Enhancing early warning through new technologies - OHCHR notes the significant strides already taken in early warning by the Bank in Disaster Risk Financing, particularly surrounding drought (para. 107), and more recently, human displacement. We also note other roles envisaged for innovative technology in pages 36-37 of the draft Strategy. However, emergent methodologies enable significant advance in predictive capacity, including from social media. One study in Kenya recently demonstrated 85% accuracy in look-ahead periods of 50-150 days for increases and decreases in violence.[1] OHCHR recommends that the Bank’s FCV strategy emphasise the opportunities enabled by emergent methodologies empowered by technological advances in the early warning context, as called for in the Pathways for Peace Report. [1] Chris Mahony, Eduardo Albrecht, and Murat Senzoy, “The relationship between influential actors’ language and violence: A Kenyan case study using artificial intelligence.” International Growth Centre (Feb. 2019). Responsible exit - OHCHR notes the various references throughout the draft strategy to the importance of the Bank, as a development actor, remaining engaged for the long-term in order to preserve development gains, protect institutions, build resilience and help transition to recovery (e.g. paras. 73-77). OHCHR agrees with this statement as an important general objective. Long-term engagement and country presence being means, rather than ends in themselves, further nuance may however be called for in situations where stabilisation objectives are unachievable and the risks of complicity in serious human rights violations outweigh potential benefits of continued engagement. - OHCHR recognises the complexity of these kinds of judgement calls, and of the challenging cases that the Bank has successfully addressed in the past. The challenges of remaining productively engaged and avoiding complicity in international crimes in, for example, Myanmar, in coordination with specialised UN human rights bodies, is a case in point: while many actors have called for the Bank’s general withdrawal, the UN Human Rights Council’s Fact-Finding Mission has recommended continued engagement subject to heightened due diligence, in order to protect particular population groups and diminish the military’s control over the economy, and cessation of all activities in northern Rakhine state except for emergency humanitarian assistance pending the lifting of human rights restrictions on remaining Rohingya populations. - In other cases or circumstances, however, disengagement from the client relationship may ultimately be unavoidable. Where human rights violations are endemic, it may be necessary for Development Policy Operations or other direct budget support measures to prima facie be suspended or entirely ruled out.[1] OHCHR recommends that the Bank’s judgement calls on the question of its continuing engagement be guided by an explicit “responsible exit” policy, taking into account comparative practice among DFIs including the recent experience of FMO in Honduras[2], in order to set clear expectations among all parties, strengthen legitimacy, minimise unintended adverse

consequences, remedy residual impacts, and promote more consistent practice. OHCHR recommends that exit or divestment only be undertaken when the Bank lacks leverage to prevent or mitigate adverse impacts, and is unable to increase its leverage, while taking into account the criticality of the particular client relationship and foreseeable human rights impacts.[3] [1] See, for example, the Report of the UN Human Rights Council's Commission on Inquiry on Burundi, A/HRC/42/49 (Aug. 6, 2019), para. 110(a); and the more nuanced formulation in the Report of the Myanmar FFM, A/HRC/42/CRP.3 (Aug. 5, 2019), para. 191(f). [2] Juan Dumas, A Responsible Exit from the Agua Zarca Project: Summary of recommendations (Mar. 3, 2017), which includes (para. 1.4) an attempt to reconcile recommendations with international human rights standards. [3] See UN Guiding Principles on Business and Human Rights, principle 19, and OECD MNE Guidelines (2011), supra, fn 12.

### C. Areas of Special Emphasis (page 29-32)

Security sector reform and reprisals risks - OHCHR underscores, as a good practice example, the ongoing collaboration between the World Bank and MONUSCO/Joint Human Rights Office (JHRO) in the DRC to carry out screening and human rights capacity building of security contractors in connection with the ProRoutes transport project, and the proactive approach taken by the Bank's country office to deal with reprisals risks faced by project-affected people. Intimidation and reprisals are an increasingly common occurrence in relation to DFI-supported projects world-wide, particularly in FCV settings. OHCHR notes that one in three complaints to the Compliance Advisor/Ombudsman (CAO) involve allegations of intimidation or reprisals, and that CAO and IFC have developed – or are developing – policy and procedural guidance to help prevent and respond to risks and reported incidents. OHCHR would recommend that reprisal risks be explicitly included within the draft strategy's discussion of non-financial risks and that the IBRD/IDA also develops specific procedures, anchored in ESS 10, to help the World Bank Group as whole more effectively prevent and respond to reprisals risks.[1] -

Moreover, OHCHR recommends that duties and expectations in relation to reprisal risks be integrated within contractual conditions and implemented through formalised partnership arrangements with actors with specialised protection roles. In OHCHR's view, these measures would help to build policy leverage from the outset of client relationships and would send an important signal to all development partners about the importance of effective stakeholder engagement, free of coercion, intimidation or reprisals, and would help the Bank to build and maintain trust with all stakeholders upon whom successful engagement in FCV settings depends. To the extent that the Bank will be engaging further with national security forces in FCV contexts (noting the Cameroon example and others in the draft strategy), OHCHR would also recommend that the Bank apply standards of the UN system's "Human Rights Due Diligence Policy", which governs the UN system's support to non-UN security forces and sets out helpful, field-tested guidance on human rights screening and related matters. OHCHR is ready to assist in providing guidance on the implementation of the policy and/or in conducting the risk assessments for the World Bank as needed. [1] The reprisals toolkit produced for independent accountability mechanisms by the IDB's Independent Consultation and Investigation Mechanism (MICI) may be helpful:

[http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/\\$file/guide\\_for\\_iam\\_on\\_measures\\_to\\_address\\_the\\_risk\\_of\\_reprisals\\_in\\_complaints\\_management\\_f ebruary\\_2019.pdf](http://independentaccountabilitymechanism.net/ocrp002p.nsf/0/ce43d67170fcd8f3482583a20026ab13/$file/guide_for_iam_on_measures_to_address_the_risk_of_reprisals_in_complaints_management_f ebruary_2019.pdf). Economic policies and fragility - OHCHR notes the discussion of macro-economic stability and debt stability in para. 111, and the important recognition of the scope for counter-cyclical

spending as part of the framework for conflict-sensitive macro-economic policy in FCV settings. However, despite a recognition up front in the strategy that “rising inequality, lack of opportunity and exclusion are fueling grievances and perceptions of justice” (e.g. in para. 2), there does not appear to be adequate recognition of the need to address income and access inequalities and horizontal inequalities, nor of how the model of economic development can cause or exacerbate pre-existing inequalities, and otherwise impact negatively on human rights or the environment (including climate). Given the extent to which economic inequalities, subsidy reform (e.g. Haiti, Ecuador), elimination of capital controls (e.g. Ecuador), regressive pension reforms (e.g. Nicaragua), regressive taxation (e.g. Tunisia) and other austerity measures (e.g. Zimbabwe, Chile, Lebanon, Egypt), continue to drive social conflict, OHCHR would recommend that the draft strategy include a more comprehensive analysis of economic policy impacts on fragility and violence, and an explicit recommendation that such policy measures be guided by human rights and environmental (including climate) impact assessments.

Gender and women’s rights - OHCHR welcomes the Bank’s proposed focus on gender equality (paras. 51, 72, 118), in line with the Bank’s overarching Gender Strategy (2016-2023), including a focus on women and girl’s voice and agency, preventing and eliminating GBV, addressing economic inequalities and strengthening economic empowerment of women, ensuring the meaningful participation of women and girls in peacebuilding processes, and addressing harmful gender norms and engaging with men and boys on gender equality. The Gender Strategy additionally highlights the importance of strengthening access to reproductive health services (page 20); OHCHR would recommend that a more explicit reference be made to this issue in the FCV strategy too. Sexual and reproductive health service access is life-saving and must be provided without discrimination, especially in FCV settings where lack of access is exacerbated

### **Section III: Operationalizing the WBG’s Strategy for FCV**

#### **A. Policies, Processes, and Practices: Ensuring the WBG is Fit-for-Purpose (page 33-37)**

Operational flexibility - OHCHR notes the various references throughout the draft strategy of the need for extended time frames to meet ESG standards (e.g. paras. 57, 123, 125-132) and increased operational flexibilities in FCV settings, and examples including the Yemen Integrated Urban Services Project (para. 126). OHCHR welcomes the World Bank Group’s intention to harmonise ESG and IDD policies, thereby enhancing the scope for efficient cooperation with other development actors, providing that standards are harmonised upwards. It also notes the important recognition in para. 130 that private sector investment (and indeed development cooperation more generally) may unintentionally exacerbate conflict and violence.

- However, given the heightened risks to project-affected people in FCV settings, OHCHR would caution against any dilution of existing safeguards and suggest that the draft strategy emphasise the need for heightened due diligence, including explicit human rights due diligence (paras. 4-7 above). OHCHR notes the numerous existing flexibilities in the Bank’s ESF and IFC Sustainability Framework and the fact that the social and environmental standards of UNDP, an implementation partner with long experience in FCV settings, are applicable without modification to “fast track” emergency operations. Weakened safeguards may not only undermine development outcomes (as recognised in para. 130), but the suggested phasing of ESG requirements (para. 131) may be problematic where relevant ESG requirements (for example, the prohibitions against forced evictions, forced labour or gender-based violence) are the subject of immediate, legally binding human rights obligations.[1] The proposal for derogation (para. 132) raises similar concerns, given the

limitations on the nature and scope of derogations under international human rights law.[2] - In OHCHR's view policy derogations should be allowed only when strictly necessary to avoid imminent harm (or similar explicit and limited reasons that meet clear public interest needs), rather than wherever "it may not be possible to meet certain aspects of the PS's" (para. 132). We would recommend that para. 132 require advance written public justification for any derogation request, with supporting evidence of how a proposed derogation would avoid imminent harm or other compelling public interest criteria, and evidence that all possible measures to ensure application of PS's were pursued. Similarly, we would recommend that para. 131 require advance written public justification for any proposed phasing of safeguard requirements beyond the scope already permitted in the PS's and, in line with para. 126, an explicit commitment that PS-mandated measures must be in place prior to activities that could result in negative environmental and social impacts. Finally, we would recommend that decisions on phasing or derogating safeguards take full account of the human rights laws and obligations under international (including UN and regional) human rights instruments applicable in the country concerned, and that para. 135 of the draft strategy be deleted. - The proposal in paragraph 135 that the IFC's and MIGA's responsibilities and accountability should end on exit may create an unfortunate precedent and perverse incentives, in OHCHR's view. We note that divestment or project closure do not currently affect CAO's mandate providing that the relevant complaint is received while the project is still active, and IAMs commonly have jurisdiction over complaints 2 years post-closure. We also note that under the UN Guiding Principles on Business and Human Rights and OECD MNE Guidelines, divestment is irrelevant to the attribution of responsibility for impacts, and the responsibility to explore and use leverage (where a lender or investor is "directly linked" to impacts through its products, operations or services) and/or cooperate in remediation (where a lender or investor, through poor due diligence or other reasons, has contributed to adverse impacts) are ongoing in nature. Divestment is certainly one factor to be weighed when considering a lender's or investor's existing leverage, but it is only one among many factors and should not detract from the requirement to proactively seek to increase leverage.[3] The issue of divestment and leverage is discussed further under "Responsible exit" below. [1] All World Bank shareholders are party to one or more (and, frequently, several) of the core 9 UN human rights treaties. See OHCHR's submission to the World Bank's ESF consultation (2016), Annex IV, pp.37-47, available at [https://consultations.worldbank.org/sites/default/files/consultation-template/review-and-update-world-bank-safeguard-policies/submissions/20160315\\_memorandum\\_ohchr\\_esf\\_with\\_annexes.pdf](https://consultations.worldbank.org/sites/default/files/consultation-template/review-and-update-world-bank-safeguard-policies/submissions/20160315_memorandum_ohchr_esf_with_annexes.pdf). Immediate obligations can apply to economic, social and cultural rights, as well as civil and political rights. [2] See UN Doc. CCPR/C/21/Rev.1/Add.11 (Aug. 31, 2001). [3] UN Guiding Principles on Business and Human Rights, supra, principle 19, pp.21-22; and OECD MNE Guidelines (2011), Commentary on Chapter 2, para. 22. Gender and women's rights - Noting the important recognition of LGBTI issues in the Bank's Directive "Addressing Risks and Impacts on Disadvantaged or Vulnerable Individuals or Groups", OHCHR recommends that the FCV strategy include specific reference to the challenges faced by LGBTI people as well as support for LGBTI-focused and women-led organisations. The work provided by the latter organisations is vital, yet they often struggle to receive funding, recognition and funding.

## B. Programming: Maximizing Impact On-The-Ground (page 37-40)

Economic policies and fragility - OHCHR notes the important references in the draft strategy to the Bank's role in monitoring and advising on the macro-economic situation, in consultation with the

IMF, on issues which may cause or fuel fragility or violent conflict (e.g. paras. 80, 91, 111, 114). OHCHR also notes the priority given to the creation of markets and expanding the role of the private sector, but at the same time, would caution the potential for privatisation and austerity policies to fuel social grievances, heighten risks of exclusion, diminish access of vulnerable groups to essential goods and services, and generally increase indices of fragility. The “cascade” principle (or “maximising finance for development”) is cited in the report as the framework for the World Bank Group’s financing in FCV settings as anywhere else, however OHCHR notes that this may not necessarily equate to “optimising” finance for development,[1] and that in different sectors and contexts a reverse assumption may be warranted. Where fragility is related to loss of legitimacy of public institutions, the privatisation of essential services may further undermine those institutions’ legitimacy as well as lead to inequitable, captured or distorted allocations of such services. [1] Cordella, Optimizing Finance for Development, World Bank Policy Research Working Paper 8320 (Jan. 2018). Integrating RRAs in SCDs - OHCHR welcomes the Bank’s intention to carry out fragility assessments (or Risk and Resilience Assessments, RRAs) systematically in FCV settings, and the recognition in the Introduction and Framework Sections of the draft strategy that the analysis and recommendations from RRAs should be integrated within Country Partnership Frameworks (CPFs) and Systematic Country Diagnostics (SCDs) (paras. 20, 42, and recommendations 6-7 on p.ix include integrating RRA results into CPFs). However, OHCHR would recommend that these important references also be reflected in Section 3 (Operationalisation, pp.37-38, “Addressing drivers of fragility”), and that recommendation 7 on p.ix include a specific requirement that RRAs be integrated systematically in SCDs.

C. Partnerships (page 41-43)

D. Personnel (page 43-46)

E. The Financing Toolkit for FCV Settings (page 46-51)

F. Risk Management in FCV Settings (page 52-53)

Do you have any additional comments or suggestions?

OHCHR welcomes the opportunity to contribute to the Bank’s draft FCV strategy. We note the increasing collaboration between the Bank and the UN (including OHCHR) in FCV settings and view the Bank’s FCV strategy development process as an important opportunity to scale up and focus future collaboration more effectively on root causes and drivers of fragility and conflict including – as outlined in the strategy – those related to denials of social, economic, civil, political and cultural human rights. Summary of OHCHR Recommendations: 1. the World Bank Group clarify the application of IBRD/IDA Articles IV, s.

10 and Article III, s. 5(b) and corresponding provisions of the IFC Articles to ensure that these provisions are interpreted purposively, in a manner which enables the Bank to address root causes and core governance drivers of fragility and conflict; 2. the World Bank Group implement explicit human rights due diligence in order to ensure that all information relevant to procurement, project risk assessment and Integrity Due Diligence is routinely taken into account; 3. the World Bank Group's due diligence and leverage be exercised as far as practicable down the supply chain, and that Integrity Due Diligence (para. 144) not be limited only to "potential lead investors"; 4. the World Bank Group provide and/or enable remedy on a more proactive and consistent basis, within a larger "remedy eco-system" approach, predicated upon the explicit recognition of the right to an effective remedy, and guided by a differentiated assessment of responsibility for harms on a case-by-case basis; 5. the World Bank Group consider establishing a no-fault liability scheme as part of its approach to the question of remedy, and that commitments to providing and/or enabling remedy be integrated within contractual conditions and policy dialogues with clients; 6. reprisals risks be included within the draft FCV strategy's discussion of non-financial risks and that the IBRD/IDA also develops specific procedures, anchored in ESS 10, to help the World Bank Group as whole more effectively prevent and respond to reprisals risks; 7. duties and expectations in relation to reprisals risk be integrated within contractual conditions and implemented through formalised partnership arrangements with actors with specialised protection roles; 8. the Bank apply standards of the UN system's "Human Rights Due Diligence Policy", which governs the UN system's support to non-UN security forces. OHCHR is ready to assist in providing guidance on the implementation of the policy and/or in conducting the risk assessments for the World Bank as needed; 9. policy derogations should be allowed only when strictly necessary to avoid imminent harm or similar explicit and limited reasons that meet clear public interest needs; 10. para. 132 require advance written public justification for any derogation request, with supporting evidence of how a proposed derogation would avoid imminent harm or other compelling public interest criteria, and evidence that all possible measures to ensure application of PS's were pursued; 11. para. 131 require advance written public justification for any proposed phasing of safeguard requirements beyond the scope already permitted in the PS's and, in line with para. 126, an explicit commitment that PS-mandated measures must be in place prior to activities that could result in negative environmental and social impacts; 12. decisions on phasing or derogating safeguards should take full account be taken of the human rights laws and obligations under international (including UN and regional) human rights instruments applicable in the country concerned; 13. paragraph 135 of the draft strategy be deleted, and accountability not arbitrarily be excluded following divestment or project closure; 14. the draft strategy include a more nuanced discussion of the roles, responsibilities and prospective contributions of the public and private sectors in financing development in FCV settings, taking into account sector specifics and the track record and potentially negative impacts of privatisation in different contexts; 15. the draft strategy include a more comprehensive analysis of the potential negative impacts of economic policies on fragility and violence, and that economic policy measures be informed by human rights impact assessments; 16. the FCV strategy include more explicit emphasis on strengthening sexual and reproductive health and rights (SRHR), including prioritising and funding comprehensive SRHR interventions, without discrimination; 17. the FCV strategy include more explicit support for national and sub-national women-led and LGBTI-focused organisations who face significant obstacles in being recognised, supported and in accessing funds; 18. the FCV strategy include more explicit emphasis on addressing child marriage and the root causes of GBV and sexual violence; 19.

Section 3 of the draft strategy (Operationalisation), and the recommendations section (p.ix)

include a commitment to integrate the results of RRAs systematically in SCDs, as well as CPFs; 20.

the FCV strategy emphasise the opportunities enabled by emergent methodologies empowered by technological advances, including AI-assisted sentiment analytics, in the early warning context; 21.

the Bank's continuing engagement with countries be guided by an explicit "responsible exit" policy, taking into account the Bank's actual and potential leverage to prevent or mitigate adverse impacts, criticality of the particular client relationship, and foreseeable human rights impacts; and 22.

where human rights violations are endemic, Development Policy Operations or other direct budget support measures should in principle be ruled out.

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