

Social Justice Connection will not join the World Bank's safeguard policy consultation discussion in Ottawa on Jan. 7. We have decided instead to submit this statement of concerns and suggestions to the safeguard review.

The decision not to participate in the Ottawa meeting is only in part influenced by the lack of response to a CSO invitation to have a consultation meeting here in Montreal. (The suggestion of a Montreal meeting was initially made by the safeguards team at the first Ottawa consultation, in January 2013, who stated at the time that they wished to allow for broader Canadian CSO participation.)

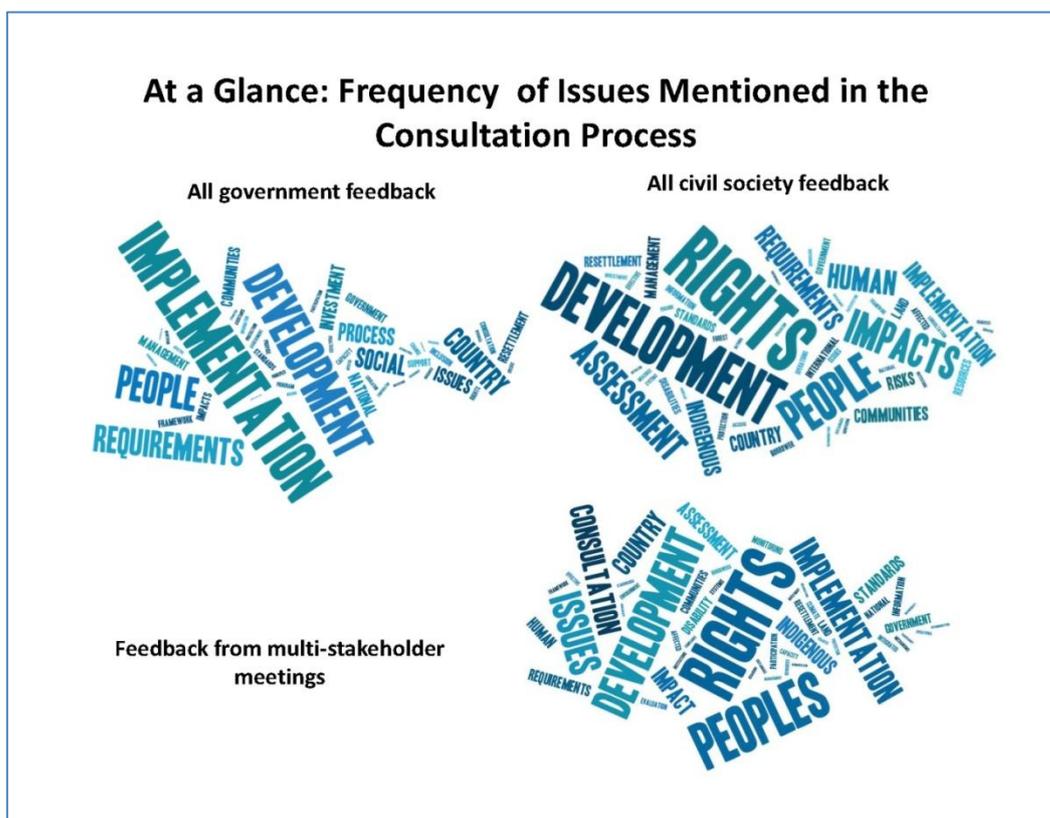
More than that, however, the decision is influenced by a lack of faith that input into the meeting could, in any way, influence the draft policy with regard to human rights.

After following the process for the past two years, we can identify several key reasons for the unwillingness to include respect for human rights law in the safeguard policy, and they have little to do with the consultation process itself.

- **Fear that the World Bank is becoming less relevant** as new forms of finance emerge means reluctance to develop human rights standards, which are viewed as restricting. The Bank management, its board of directors and President Kim do not want the organization to become a smaller institution, even if that means becoming more effective at eliminating poverty by adopting a rights-based approach. Their shared concern is about maintaining influence and power - its "market share" in development finance - despite lower poverty-reduction outcomes and the danger of rights abuse.
- **Lack of incentives.** Despite the repeated call for human rights standards in the most extensive consultative process ever undertaken, the response has been surrogate feel-good language that lacks the clarity provided by the various treaties and agreements in international law. The dominant concerns at the Bank have more to do with the organizational changes demanded by President Kim and uncertainty about its relevance given the arrival of other sources of development finance, and there is no perception of benefit to the institution in the adoption of human rights standards.
- **Low capacity within the Bank.** Political will is weak at the board and at the management level, and President Kim has been sporadic in his efforts. Leadership in human rights and development has been taken by other agencies and by governments where rights are not as contentious and are more strongly supported by national laws (eg those associated with the EU).
- **Abdication of responsibility by the board of directors.** The safeguards team has made it clear that they are aiming for a policy that is acceptable by all 188 members of the Bank. This includes states that sponsor or condone repression by opposing the rights of women and sanctioning slavery and by imprisoning, torturing and executing dissidents and journalists. They violate standards of human decency and international law. With the board of directors fearful of a

debate about human rights, the legal department has taken a larger role in deciding policy – a role that is properly that of the board. This has effectively eliminated human rights proponents from the team developing the draft safeguard policy.

At the close of the first consultation phase, this is how the safeguards review team summarized what they had heard; it is easy to see that main feature of CSO and multi-stakeholder meetings was the topic of human rights.



Yet the July 2014 draft refers to human rights only in terms of vague concepts like “inclusion,” and requires only that social impacts be assessed in accordance with national law, without reference to recognized human rights standards, obligations under international law or a country’s treaty obligations in terms of human rights.

The main message that has been delivered to the World Bank in the consultation process is not reflected in the result. The process is flawed, for the reasons we’ve identified and possibly more. For the outcome to be of the best value, which one expects of the world’s leading development organization, these are the problems that will have to be addressed.

7 January 2015

Submitted by Derek MacCuish, Executive Director